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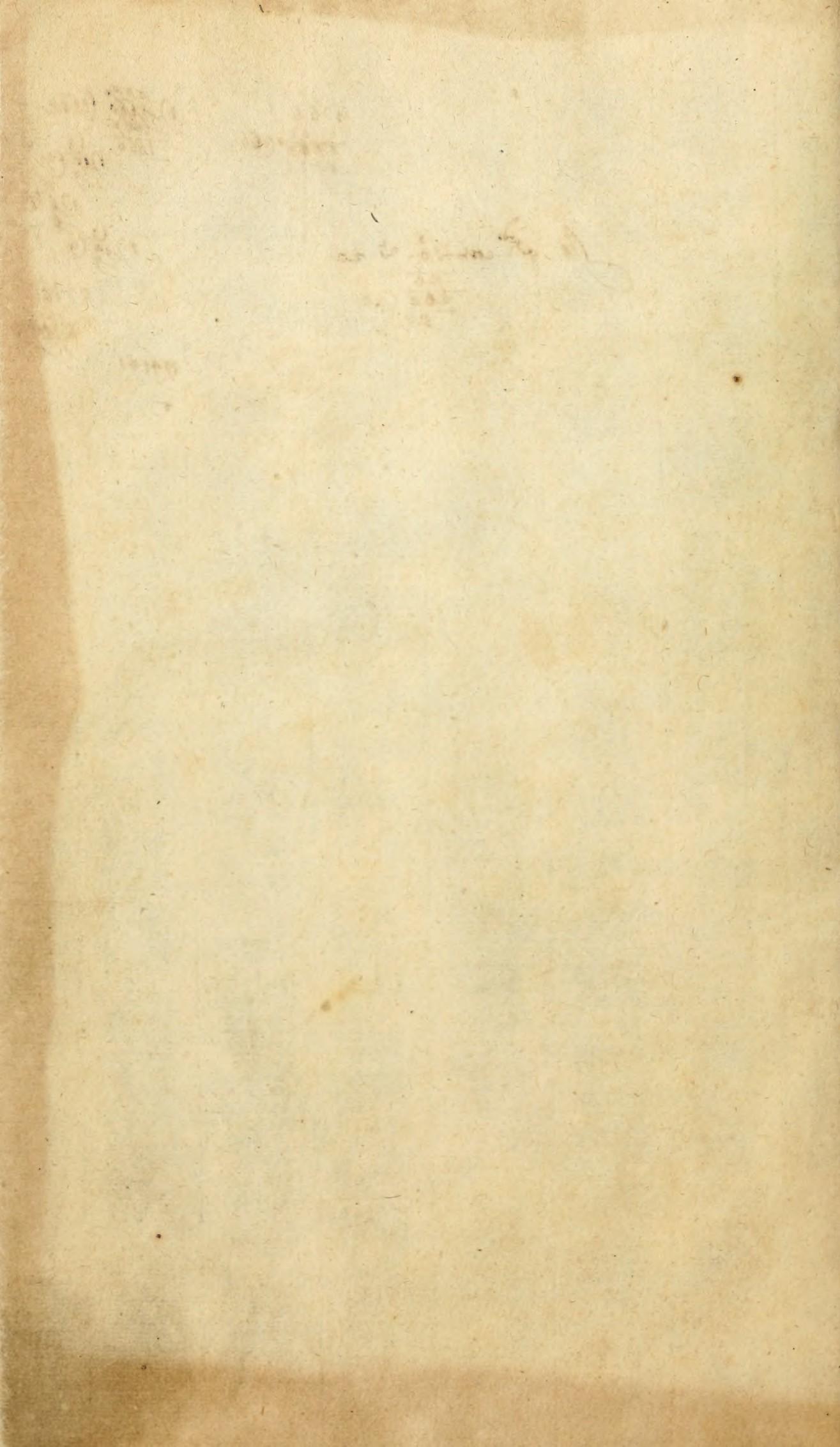
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Historical Collections

John Rushworth
OF *Private Passages of STATE.*
Weighty Matters in LAW.
Remarkable Proceedings in Five Parliaments.

BEGINNING

The Sixteenth Year of KING

JAMES,

ANNO 1618.

And ending the Fifth Year of KING

CHARLS,

ANNO 1629.

Digested in Order of TIME,

And now Published,

By JOHN RUSHWORTH
of Lincolns-Inn, Esq;

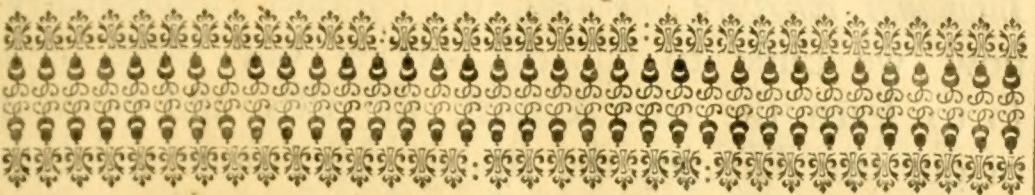
Prima est Historia lex, nè quid falsi dicere audeat; deinde, nè quid veri non audeat: nè qua suspicio gratia sit in scribendo, nè qua similitatis. M. T. Cicer. de Orat.



LONDON, Printed by J. A. for Robert Boulter at the Turks-head
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Adams 42.4

БІЛКОВІ
ДЛЯ ПІДСІДЛЯ
І СІДЛЯ
І СІДЛЯ



A THE

B P R E F A C E.



C Y Business in this ensuing Work,
D is to render a faithful Account
E of several Traverses of State,
F and of the most important Pas-
sages in debate, between the
respective Advocates for *Prerogative* and *Liberty*. The Di-
spute (in the event) was Tra-
gical and Fatal, as being the Introduction, and
that which gave the Alarm to the *Civil War* ;
a War, fierce, unnatural, and full of wonderful
Coincidences, both in the Causes and Consequences
of it. *Humanum est Humanis casibus ingemiscere*.
Therefore if I studied to please my self, and grati-
fie the Inclination of my own Temper and Af-
fection, you might peradventure hear from me of
the Courage, Exploits and Success of my Coun-
try-men in Forreign Expeditions, but not of their
Animosities in Domestick Encounters : Yet certain-

THE PREFACE.

ly, of some use it may be to us, and of concernment also to those that may come after us, *Infandum renovare dolorem*, to consider indifferently how we came to fall out among our selves, and so to learn the true Causes, the rises and growths A of our late *Miseries*, the strange Alterations and Revolutions; with the *Characters* of divers Eminent Persons, the Mutability of *Councils*, the Remarkableness of *Actions*, the Subtily of *Pretensions*, and the Drifts of several *Interests*. From such Premisses, the best Deduction which can be made, is, to look up to, and acknowledge *God*, who only is unchangeable, and to admire his Wisdom and Providence, even in Humane Miscarriages: For *Empires*, and Kingdoms, and *Common-wealths*, every where in the World, have their *Periods*, but the *Histories* thereof remain and live, for the Instruction of Men, and Glory of God. B C

I find an Expression in Sir Walter Rawleigh's Preface to his *History of the World*, which seems to suit well with these *Collections*. I shall make D so far bold with that Memorable Person, whose Death bears a sad part in this Story, as to borrow his own words.

It is not the least debt (saith he) *which we owe unto History, that it hath made us acquainted with our dead Ancestors, and delivered us their Memory and Fame: Besides, we gather out of it a Policy no less Wise than Eternal, by the Comparison and Application of other Mens fore-passed Miseries, with our own-like Errors and Ill-deservings; but it is neither of Examples the most lively Instructions, nor the Words of the wisest Men, nor the Terror of future Torments, that hath yet so wrought in our* E F

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our blind and stupified Minds, as to make us remember, That the infinite Eye and Wisdom of God doth so pierce through all our pretences, as to make us remember, That the Justice of God doth require no other Accuser than our own Consciences.

A And though it hath pleased God to reserve the Art of reading mens Thoughts to himself; yet as the Fruit tells the name of the Tree, so do the outward Works of Men, so far as their Cogitations are acted, give us whereof to guess at the rest: No man can long continue masqued in a counterfeit behaviour; the things that are forced for pretences, having no ground of Truth, cannot long dissemble their own natures.

B C D E F And although Religion (saith he) and the truth thereof be in every mans mouth, what is it other than an universal dissimulation? We profess that we know God, but by Works we deny him: Beatitudo non est divinorum cognitio, sed vita divina. There is nothing more to be admired, nothing more to be lamented, than the private contention, the passionate dispute, the personal hatred, &c. about Religion amongst Christians, insomuch as it hath well neer driven the practice thereof out of the World: So that we are in effect (saith he) become Comedians in Religion: For Charity, Justice, and Truth have but their being in Terms amongst us.

In the Close of his Preface, he adviseth the Reader to take heed how he follows Truth too close at the heels, lest it strike out his Teeth. I hope this Story begins with a distance of Time, not so far off, as the Footsteps of Truth are worn out; nor yet so near, as the heels of it need to be feared. But this I am sure, That had I not gone

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so far back as I do, I had not reached the *Fundamentals* to the *History of these times*. It hath been observed by some, That most Historians speak too much, and say too little: I doubt others will think, I speak too little and say too much. So it will be difficult to please all.

I know very well, the *Collections* which I publish will receive no advantage nor commendation from the *Collector*: And that it may likewise receive no prejudice, I am as ready to confess, as any man in the World is to object, my wants and inabilities; which indeed, to men of sober Discourse, may render me unfit to be entertained in the Council, but not unqualified to be Impanelled of the Jury: For I began early to take in *Characters*, Speeches and Passages at Conferences in Parliament, and from the King's own mouth, when he spake to both the Houses; and have been upon the Stage continually, and an Eye and Ear-witness of the greatest Transactions; employed as an Agent in, and intrusted with Affairs of weightiest Concernment; Privy also both to the Debates in Parliament, and to the most secret Results of Councils of War, in times of Action. Which I mention without ostentation; onely to qualifie me to report to Posterity, what will rather be their wonder at first, than their belief: It is pitty they should altogether be deprived of the advantages which they may reap from our Misfortunes. Hereafter they will hear, that every man almost in this Generation durst fight for what either was, or pretended to be Truth: They should also know that some durst write the Truth, whilst other mens Fancies were more busie than their Hands, forging Relations,

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Relations, building and battering Castles in the Air; publishing Speeches as spoken in Parliament, which were never spoken there; Printing Declarations which were never passed, relating Battels which were never fought, and Victories which were never obtained; dispersing Letters which were never writ by the Authors; together with many such Contrivances, to abet a Party or Interest. *Pudet hæc opprobria.* Such practises, and the experience I had thereof, and the impossibility for any man in After-ages to ground a true History, by relying on the Printed Pamphlets in our days, which passed the Press whilst it was without control, obliged me to all the pains and charge I have been at for many years together, to make a great *Collection*; and whilst things were fresh in memory, to separate Truth from Falshood, things real from things fictitious or imaginary. Whereof I shall not at all repent, if I may but prove an ordinary Instrument to undeceive those that come after us.

If you demand why my *Collections* commence so early, and start at such a distance of time so remote, I must answer, That it was at first in my purpose to begin with the Parliament which met Nov. 3. 1640. But after I had perused, ordered, and compared my Printed and Manuscript-Relations of the First year of that Parliament, I found they pointed at, and were bottom'd upon some Actions of the late King, in dissolving four preceding Parliaments: And thereupon, the zeal I had to clear the truth of the Differences between the King and Parliament, forced me to a longer Adventure; especially seeing the Essay had been very imperfect, and but a meer fragment,

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fragment, if I had only writ the Death, and not the Life of a Prince, who, in the first Speech that ever he made in his first Parliament, did reflect upon some Passages in a former Parliament, that advised his Father to break off the two Treaties with *Spain*, touching a Marriage, and the Restitution of the *Palatinate*; and so engaged the Father in a War, which the Son was, by him, left to Prosecute. And this Consideration put me upon a further enquiry concerning the aforesaid Treaties, the Causes and Grounds of the War in the *Palatinate*, and how far the same concerned *England*, and the oppressed Protestants in *Germany*: And finding those proceedings to have their rise in the Year 1618. (in which Year the *Blazing-Star* appeared) I resolved that very instant should be the *Ne plus ultra* of my Retrospect.

I allow and accept it as a good *Memento*, which I meet with in a late Author; *That most Writers now adays appear in Publick, not crook-backed (as it is reported of the Jews) but crook-sided, warped, and bowed to the right, or to the left.* For I have heartily studied to declare my self unbiassed, and to give an instance, *That it is possible for an Ingenuous Man to be of a Party, and yet not Partial.*

I pretend only in this Work to a bare Narrative of matter of Fact, digested in order of time; not interposing my own Opinion, or interpretation of Actions. I infuse neither Vinegar nor Gall into my Ink: If I mention a Charge or Impeachment, it relates also to the Defence that was made by the Accused. And though in these latter times, Titles, Names, and Dignities are altered; yet I use the Language of that Time of

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A of which I write, speaking as the then Parliaments
spake, and not robbing any man of the honour or
Epithite which they then pleased to give him.
If I speak of any transactions which I my self
did not see or hear, I do so with all the cau-
tien imaginable, having first consulted Records,
conferring with Persons of unquestionable esteem,
interested in the very Actions, or perused their
known Hand-writings of those Times; and where I
make mention of any Letters or Passages scat-
tered in Print, I first well weigh the same,
B and out of whose Closets they came, and found
many of them concredited before I inserted
them.

C And lastly, where I doubted, I perfected my
Intelligence by Foreign Correspondencies, fetch-
ing my satisfaction in divers particulars out of *Ger-
many, Spain, and Italy*.

D Here you will have an intermixture of Secrets
of State useful for States-men, and of matters of
Law, which be of some use, not only to the pro-
fessors of it, but to every English-man; for though
few profess the Law, yet all live by it; for it hedges
in, and upholds the Rights, Liberties, and Pro-
perties: The matters of Law are not all bound
E up in one bundle, but you will find them dispersed
in interlocutory Speeches and Discourses; some
of them in Historical Narrations; and lastly, in
Polemical Debates and Arguments, taken by a
Gentleman, then a young Student in the Law,
F which you will find in an Appendix placed at the
end of the Book; and I hope the Reader will not
think his minutes ill-bestowed in reading of them,
though out of place.

A great

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A great part of the Work is filled up with remarkable Transactions in Parliament, and the Course and Proceedings thereof, wherein you will find, not only great Wit and Wisdom, but choice Eloquence, and excellent Orators, *Diggs*, *Wentworth*, *Philips*, *Elliot*, *Glanvile*, and others, not much inferiour to the chiefeſt of the Roman *Demagogues*. I durſt not presume to contract them to an Epitome or Abridgment, leſt by Effaying that, I might trespass too much upon the Soil of other mens Inventions and Judgments, or prejudice Truth, or the Persons, whose natural Offſprings they are. Here you have Debates, Siftings, and Consultations of each House apart; and also by Conferences each with other, (*Alterius ſic Altera poſcit open Domus & consultat Amice*) and Resolutions of Parliaments, and ſome Laws which were the ultimate production of these Counſels and Debates.

The Second Part of my Collections, Commencing with the year 1630. and ending in November 1640. (wherein is contained the Transactions of Eleven years interval of Parliament) makes but the Second Part of my Introduction to the History of the *Civil War*, which afterwards happened, but is not intended to be published, but at a greater diſtance of time, which I ſhall write with the more confidence, because I did perſonally attend and obſerve all Occurrences of moment during that Interval in the *Star-Chamber*, *Court of Honour*, and *Exchequer-Chamber*, when all the Judges of *England* met there upon extraordinary Caſes; at the Council-Table, when great Caſes were heard before the King and Council:

And

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A And when matters were agitated at a greater distance, I was there also, and went on purpose out of a curiosity to see and observe the passages of the Camp at *Barwick*, at the Fight at *Newborn*, at the Treaty at *Rippon*, at the Great Council at *York*, and at the Meeting of the long Parliament, and present every day at the Trial of the Earl of *Strafford*. The Observations I made during all the said time shall be further known, if I be encouraged to proceed, and that this my *Forlorn* be not repelled and defeated.

B Thus have I (good Reader) acquainted thee in plain English, with the Lines and rude Draughts of what hath been, and what is like to be, *multorum annorum opus*; in which as I never did approve, so neither could I perswade myself to tread in their Steps, who intermingle their Passion with their Stories, and are not content to write of, unless they write also for a Party, or to serve an Interest; and so declare themselves far better *Advocates* than *Historians*: I profess that in singleness of heart, I am at *Truth*, which to me has always seemed hugely amiable, even without the tires and advantages of Wit and Eloquence: And therefore, in order to my greatest purpose, I have esteemed the most unaffected and familiar Stile the best; *Altum alii teneant*. And so irresistible is the force of Truth, and the Divine Providence so great, that howsoever all possible diligence may have been used to carry things in secret, and to act by colourable Pretences (Men often acting like Tumblers, that are squint-eyed, looking one way, and aiming another) yet in these our days hath God brought great

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great things to light, discovering many secrets and close contrivances, many private consultations and hidden designs, which otherwise probably, neither we nor our posterity should have ever known. I conclude this my Preface with the Remarque of a Learned Spaniard, on History in general: *Satis est Historiae, si sit vera; quæ ut reliqua habeat omnia, si veritatem non habeat, obtinere nomen suum non potest.*

A

B

J. RUSHWORTH.

C

Τὸ Σῶμα τοῦ & Τυχόντα.

Bρετανῶν τὰ δίκαια λέγω, Πειθώ πε, νοόντε,
πρᾶξεις, καὶ πάσις πρᾶξις ὅντα χέρον.
Ομματιν εἰς με βλέπουν χαλεποῖς, σέκοντι τε θυμῷ,
αὐτὸς μὲν πολλοῖς, Κοινῷ πε καθαρός.

D

(h. e.)

Anglorum leges, Suadam, consulta Senatus,
ausaque cuncta loquor, tempore queque suo.
Excipis adverso si pectore, & ore maligno,
pluribus invideas Zoile, nemo tibi.

E

F

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Sed nulla potentia longa est

Quo non discordia Cives

A This Paw points out the Caledonian Tari...
Sud Harbingers to our intestine Warres
B The Lion passing gaudies wonder much
The Paw should dar perfume his Chuse to touch
C Strange r's from Shakespear & Prelates world
Bellonias dire Alarms should rouse the World
D The Lion & y Paw, bent to engage
Make Peace at Tweed, so change y Scene & Stage
E The double headed Eagle wide doth spread
Her Wings to van the Coules y seemed as long

F And makes y' Lionesse an Instrument
To breakē that Peace and a fourth Parliament
G The Paw invades y' Lion at Tine Flood;
They figh, make truce & stop from shedding Blood
H The Britissh Voter sound flat to those more sharp
Divisions echid from the Irish Harp
I The Parliament conwend, the Lion try'd
By changing Five The Members to divide
K First Justice next no Bishops Priviledge last
Cry Multitude who to the Houses haste

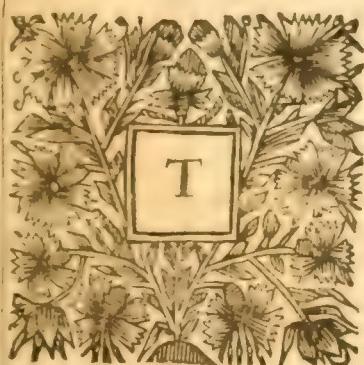


L The Lions third Roare prooving fatall drew
Such Woes as rarely former Ages knew
M Iwas a Curst Cow kickt downy Milk shee gave
Let us old Englands Lawes and Freedome have
N Celestiall Manna thy Spirituall Food
OP fed them with Peace & Plenty all that's Good.
Q A blazin Comet thy Backsliding shover
R Predicted Ruine, & presenteth woes
S The Faithfull build them Churches butare soopt
By Papists who at thi Aurea Bulla mockt

T Great Caesar to y' Romans Crown doth bring
His Stately Nephew and creates him king
V Prague gives y' Crown to Frederick & excites
His Sword to assert the Germans & their Right
W Then from high Windowes unawares were bwo
The Emperors Counsell ere the Charge was known
XY The Blow neer Prague was struck The people ride
Like Icliu out, Woe is sweet before it's try'd
Z What Decollations then! What Blood! What fair
Outacted Tragick Scener enynd that Warr

16 Jan.

HISTORICAL A COLLECTIONS.



B He grand business of State in the latter times of King *James*, was the Spanish Match, which had the Kings heart in it, over-ruled all his Counsels, and had a mighty influence upon the universal State of *Christendom*. This King affecting the name of a King of Peace, and Peace-maker, as his chief glory, had designed, what in him lay, the settling of a general Peace in *Europe*, and the reconciling of all Parties; and professed, that if the Papists would leave their *King-killing*, and some other grosser Errors, he was willing to meet them half-way. Moreover he was ever zealous for the honour and heighth of Regal Majesty, and to maintain the glory of it in his Successors; 'twas his chief desire and care to match his Son with some Princess of most high descent, though of a different Religion.

C There had been a Treaty of Marriage between the late Prince *Henry* and a Daughter of *Spain*, which on the Spaniards part was found a meer Complement, carried on by the accustomed gravity and formality of that Nation. For *Cecil*, Earl of *Salisbury*, the great States-man of that time, pursued and drove the matter to that point, that the Duke D of *Lerma*, finding no evasion, disclaimed the being of a Marriage-Treaty. Nevertheless, the Spanish Ambassador, to acquit himself to this State, and to clear his own honesty, at a full Council, produced his Commission, together with his Letters of Instruction given under the Duke's hand: Such manner of dealing might have been sufficient cause of just Indigation against any future motion of this Alliance.

E After the death of Prince *Henry*, the King set his thoughts upon a Daughter of *Henry* the Fourth, late King of *France*, as the fittest Match for Prince *Charles*; and by Sir *Thomas Edmonds*, his Legier Ambassador, endeavoured to know the mind of that State; but could not discern their affections, and was not willing to discover his own: At length, taking occasion to send the Lord *Hayes* Extraordinary Ambassador to the French King, to congratulate his Marriage with *Anne* the Infanta of *Spain*, he relolv'd to make a thorow Trial: The matter was put forth, and in appearance well taken, but proved of no effect; for the Duke of *Savoy* was before hand, and prevailed for his Son the Prince F of *Piedmont*.

During this Negotiation of Alliance with *France*, the Duke of *Lerma* frequently intimated unto Sir *John Digby*, Ambassador, Resident in *Spain*, an extraordinary desire in the King his Master, not onely to maintain Peace and Amity with the King of *Great Britain*, but to lay hold on all means that might be offered for the nearer uniting of their Majesties, and

King *James*
much desired
to match his
Son *Henry*
with a Daughter
of *Spain*.

After Prince
Henry's death,
the King pro-
pounded a
Match with
France.

In this inter-
im, the Spa-
niard gives
the overture
of a Match.

Historical Collections.

their Crowns ; as also a disposition in this regard, to match his second Daughter to the Prince of *Wales*. The Ambassador replied, That his Majesty had little reason to give ear to this overture, having not long since, in the Treaty for the late Prince, received such an unexpected Answer, and Demands so improper and unworthy ; and that there needed more than ordinary assurance, to induce him to believe, that there was now so great a change, and the Match desired in good earnest, and not propounded meerly to divert the Match with *France* : wherefore he expected the proposal of such terms of advantage and certainty, as might gain a belief of their sincere intentions. *Lerma* promised a further conference ; but by reason of a strong report, that the Match with *France* was absolutely concluded, and within few days to be published, the business lay asleep, untill Sir *John Digby* going for *England*, was desired by the Duke, to give him notice of the State of this affair. From hence *Digby* gives him to understand, that there was no cause of despair concerning this new Overture, unless the difficulty of the Conditions should make it desperate ; but if the Demands in point of Religion were no more than what would satisfie another Catholick Prince, and to which his Majesty might yield with honour, he knows that divers persons, not of the meanest power, were well inclined, and ready to give their helping hand : He said further, That it were much better not to revive this motion, than by impossible and unfitting Propositions from either side, to give distaste, and lessen the friendship between the two Crowns. The Duke returned answer, That all assurance and satisfaction shall be given concerning this Alliance : And after Sir *John Digby*'s arrival at the Court of *Spain*, he protested to him solemnly, That the King desired it ; and swore for himself, that he desired nothing more. Hereupon *Digby* debated with him, That the remembrance of their former Demand was yet unpleasing in *England* ; the difference of Religion, the Opinions of Divines, and Cases of Conscience were still the same ; insomuch that his Majesty and his Servants had just cause to cease for ever from all thoughts this way. Nevertheless they did not slight nor disrelish an Alliance with *Spain* ; for many of the greatest eminency in *England* judge it equally valuable with any other of Christendom, though it be esteemed a matter of infinite difficulty. Here the subtil *Spaniard* might perceive our forwardness, though our Ambassador seemed to speak aloof off, and with reservation. The debate had this result, that the difficulties should be digested into certain Heads, and select Persons appointed for Conference ; but the intent thereof was, that the Kings on either side should not be interessed, nor their names therein used, till by the clearing of particulars, there should be great appearances, that the business would take effect : Now because the difference of Religion was supposed the only difficulty of moment, it was thought fit to break the matter to the Cardinall of *Toledo*, and the Kings Confessor, and one Father *Frederick*, a learned Jesuite, having the repute of a moderate man.

Upon the review of these proceedings, Sir *John Digby* advised the King, not to suffer his other resolutions to be interrupted by this Overture, which might be set on foot as a meer device to stagger the French Treaty, and to keep his Majesty from declaring himself opposite to *Spain*, in the business of *Cleves* and *Juliers*, which still remained uncompounded ; nevertheless, he might be pleased, for a while, to suspend the conclusion of the Match with *France*, and entertain this motion ; and to this

Sir *John Digby*'s advice to the King in that matter.

16 Jacob.

*Gondomar
manages the
Treaty on the
Spaniards
part.*

this end he desired from him, not a formal Commission to treat, but onely a private Instruction for his Direction and Warrant.

Such remote Conferences made way for that solemn slow-paced Treaty of the many years following, wherein the advantage lay on the Spaniards side, who were indeed very formal and specious in it, but no way vehement and vigorous, if we might suppose them in any sort real:

A But the King of *England* having a prevalent inclination this way, when he was once drawn in, and elevated with hope, was so set upon it, that he would grant all things possible, rather then break it off, and was impatient of dissembling his own eagerness: The busines was mainly carried on by *Conde Gondomar*, who was exquisitely framed for it, and by facetious ways, taking the King in his own humour, prevailed mightily.

B The King removes all blocks that lie in the way of this Darling-Design, and studies all the ways of rendring himself acceptable to *Spain*.

C The Wall of this Island, the English Navy, once the strongest of all Christendom, now lies at Road unarmed, and fit for ruine: *Gondomar* [as was the common voice] bearing the King in hand, that the furnishing of it would breed suspition in the King his Master, and avert his mind from this Alliance: Moreover the Town of *Flushing*, the Castle of *Ramakins* in *Zealand*, and *Brill* in *Holland*, which were held by way of caution from the United Provinces, to insure their dependency upon *England*, the King resolved to render up, as being meerly Cautionary, and none of his Propriety: He rid his hands of those Places to prevent Requests and Propositions from the King of *Spain*, who claimed the Propriety in them, and *Gondomar* put hard for them, being accounted the Keys of the Low Countreys: Such was the Kings care and contrivance to keep faith with those Confederates, and not offend *Spain*: And to render this a politick action, it was urged, That the advantage of those Holds was countervailed by the vast expence in keeping them. Howbeit, the power of the English Interest in that State was by this means cut off, and taken away; and the alienation between King *James* and the United Provinces, which appeared in latter times, and was nourished by *Bernevelt*, the Head of the *Arminian* Faction, and a Pentionar of *Spain*, is now increased, by the discovery and obseruation of these late Spanish compliances.

E But the King of *Spain* and his Ministers had given but slender proof of any great affection, yea, or of sincere intention, and upright dealing in this great affair. For Sir *John Digby* recievied certain Articles in

*The Spaniard
proceeds not
sincerely in the
Treaty.*

matter of Religion, after a Consultation had with their Divines, which appeared very unworthy, and were utterly rejected by him: Yet afterwards upon a private Conference between him, and some others to whom the Cause had been committed, a Qualification was therein conceived, though not delivered as a matter there approved. And the same speeches after his return into *England*, proceeded between him and *Gondomar*, and were brought to that issue, that the King thought fit to acquaint a select number of his Council therewith, who having heard the report of the former proceeding, delivered their opinion, That they found very probable ground for him to enter into a publick Treaty, with as much assurance of good success, as in such a case might be expected. Whereupon Sir *John Digby*, by Commission under the Great Seal, was authorized to treat and conclude the Marriage; and because

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Articles of Religion agreed upon between the Kings of England and Spain.

Historical Collections.

the matter of Religion was in chief debate, those qualified Articles that were brought out of *Spain*, were sent back, signed with the Kings hand, who added something to them by way of clearer explanation: They were to this effect:

That the Popes Dispensation be first obtained by the meer act of the King of Spain.

A That the Children of this Marriage be not constrained in matter of Religion, nor their Title prejudiced in case they prove Catholicks.

B That the Infanta's Family, being Strangers, may be Catholicks, and shall have a decent place appointed for all Divine Service, according to the use of the Church of Rome; and the Ecclesiasticks and Religious Persons may wear their proper Habits.

C That the Marriage shall be celebrated in Spain by a Procurator, according to the Instructions of the Council of Trent; and after the Infanta's arrival in England, such a Solemnization shall be used, as may make the Marriage valid, according to the Laws of this Kingdom.

D That she shall have a competent number of Chaplains, and a Confessor, being Strangers, one whereof shall have power to govern the Family in Religious matters.

In the allowing of these Articles, the King thus exprest himself: "Seeing this Marriage is to be with a Lady of a different Religion from Us, it becometh Us to be tender, as on the one part to give them all satisfaction convenient; so on the other, to admit nothing that may blemish our Conscience, or detract from the Religion here established.

The People of *England* having yet in memory the intended Cruelty of 88. and hating the Popish Religion, generally loathed this Match, and would have bought it off at the dearest rate; and what they durst opposed it by speeches, counsels, wishes, prayers; but if any one spake louder than his fellows, he was soon put to silence, disgrac'd, and cross'd in Court-Preferments; when as in *Spain* and *Flanders*, Books were penned, and Pictures printed to disgrace the King and State: For which the English Ambassadors sought satisfaction, but in vain. The Roman Catholicks desired the Match above measure, hoping for a moderation of Fines and Laws, perhaps a Toleration, yea, a total Restauration of their Religion; for they gained more and more Indulgence by the long-spun Treaty: The Articles of Religion were long hammered upon the Spanish Anvil, enlarged and multiplied by new Demands without end.

E The Conde Gondomar, an active subtil Instrument, to serve his Masters ends, neglected no occasion tending thereunto, which he mainly shewed in the particular of Sir *Walter Raleigh*, wherein he put forth all his strength to destroy him, being one of the last Sea-Commanders then living, bred under Queen *Elizabeth*, and by her flesh'd in Spanish blood and ruine. He did first under-work his Voyage to *Guienna*, which seemed to threaten loss and danger to the spreading power of *Spain* in the West-Indies; and after his return with misfortune, he pursued him to death. In the beginning of the Kings Reign, this Gentleman, with others, was arraigned and condemned for Treason; 'twas a dark kind of Treason, and the vail is still upon it. The King had ground enough to shew mercy, which some of that condemned party obtained. After many years

The People of *England* averse from the Match: The Catholicks desirous of it.

Gondomar contrives the death of Sir *Walter Raleigh*, an Enemy to *Spain*.

16 Jan.

years imprisonment, Sir *Walter Raleigh*, desirous of liberty and action, propounded an *American Voyage*, upon the assurance of gaining a Mine of Gold in *Guiana*. The King hearkned to him, and gave him power to set forth Ships and Men for that service; but commanded him upon his Allegiance, to give under his hand, the number of his Men, the burden and strength of his Ships, together with the Countrey and River which he was to enter. All this was done, and came so timely to *Gondomar's*

A knowledge, that advertisement was sent to *Spain*, and thence to the *Indies*, before this *English Fleet* departed out of the *Thames*. The Action proved unfortunato, and the Mine was inaccessible: the *Spaniards* at *St. Thomas* opposed their passage up the River, and this engaged them to assault the Town, which they took, sacked and burnt. *Gondomar* hereat incensed, with a violent importunity demanded the reparation of this wrong: And the *Spanish Faction* urged, that this irruption might make a breach both of the Match and Peace with *Spain*.

B The Kings fears kindled his wrath; he disavowed the action, and to prevent the like for the future, put forth a severe Proclamation. Hereupon the storm of Passion ceased, and *Raleigh* knowing nothing, but that he might appear in *England* with safety, put in at *Plimouth*, and was no sooner landed, but, by secret intimation, understanding his danger, sought to escape beyond Sea, but was taken in the attempt, brought to *London*, and recommitted to the *Tower*; and at length his life was offered up a Sacrifice for *Spain*; but not upon such grounds as the Ambassador had designed; for he de-

C sired a Judgment upon the pretended breach of Peace, that by this occasion he might slyly gain from the *English* an acknowledgment of his Master's Right in those Places, and hereafter both stop their mouths, and quench their heat and valour. But the late Voyage was not brought in question, onely his former condemnation was revived; his Arraignment at *Winchester* many years before was now laid open, and he at the *Kings Bench* demanded, why Execution should not be done upon him according to the Sentence therein pronounced. *Raleigh* answered, "That the

D "Kings late Commission gave him a new life, and vigour: For he that "hath power over the lives of others, ought to be Master of his own. This Plea was not accepted, but the former Judgment took place, and accordingly he lost his Head upon a Scaffold erected in the *Old Palace* at *Westminster*.

E While *Spain* and *England* were thus closing, the fire brake out in Germany between the States and Princes *Protestant*, and the House of *Austria*: these commotions involved and drew along the affairs of most Christian Princes, especially of the two *Potent Kings* now in Treaty.

The Catholick Cause, and the Lot of the House of *Austria*, engaged the King of *Spain*, who was the strongest Branch of that Stock. King *James* must needs be drawn in, both by common and particular Interest; the Religion which he professed, and the State of his Son in Law, the Elector *Palatine*, who became the principal part in those Wars, and the most unfortunate. It was an high busines to the whole Christian World, and the issue of it had main dependance upon the King of *England*, being the *Mightiest Prince* of the Protestant Profession. But this Kings proceedings were wholly governed by the unhappy *Spanish Treaty*.

F The Clouds gather thick in the German Sky; jealousies and discontents arise between the *Catholicks* and the *Evangelicks*, or *Lutherans* of the Confession of *Augsburg*. Both Parties draw into Confederacies, and hold Assemblies; the one seeking by the advantage of power to incroach

A War begins
in Germany.

Both Parties,
Protestant and
Catholicks,
grow jealous,
and each enter
into League.

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The Emperor
Matthias ad-
opts his Cous-
in German
Ferdinand.

For joy of thi
Adoption, the
Catholicks
keep a Jubilee,
and the Protes-
tants another
in memory of
Luther.

and get ground, the other to stand the ground, and hold their own. The potency of the House of *Austria*, a House devoted to the Persecution of the Reformed Religion, became formidable. The old Emperor *Matthias* declared his Cousin German, the Archduke *Ferdinand*, to be his adopted Son and Successor, and caused him to be chosen and Crowned King of *Bohemia* and *Hungary*; yet reserving to himself the sole exercise of Kingly power during his life.

The Jesuits triumph in their hopes of King *Ferdinand*; the Pope exhorted the Catholicks to keep a day of Jubilee, and to implore aid of God for the Churches high occasions. To answer this Festival, the Elector of *Sachsen* called to mind, that it was then the Hundredth year compleat, since *Martin Luther* opposed the Popes Indulgences, which was the first beginning of Protestant Reformation. Whereupon he ordained a *Solemn Feast* of three days for Thanksgiving, and for Prayer to God, to maintain in peace the purity of the Word, and the right Administration of the Sacraments. The Professors of the Universities of *Lipsick* and *Wuttemberg*, the Imperial Towns of *Frankford*, *Worms*, and *Noremberg*; yea, the *Calvinists* also observed the same days of Jubilee against the *Romish* Church; and much Gold and Silver was cast abroad in memory of *Luther*, whom they called *Blessed*.

In these times the Emperor wrote Letters, both to the Elector *Palatine*, and to the Protestant Provinces, and States of the Empire then assembled at *Hilbrun*, advising them to acquiesce in what was done touching the designation of his adopted Son to the Empire, to observe the *Golden Bull*, (the *Magna Charta* of the Empire) and the matter of it concerning the Electoral Bonds, and to dissolve their League. The Protestants in their Answer acknowledged the good-will of the Emperor their *chief*, and shewed, that the Catholicks had oppressed them, contrary to the Pacification; and having sought redress in vain, they were compelled to use means of preserving Publick Tranquility, according to the Laws. That their *League* and *Union*, consisting onely of Protestant Germans, was a known practise in the Empire, and not against the *Golden Bull*, and tended not to a separation from his Imperial Majesty; but the Catholicks made their League with Strangers, and declared a Stranger Chief over them.

The Count of *Thurne*, and other Defenders Evangelick, with the Estates of *Bohemia*, assembled at *Prague*, to advise of publick safety, and conservation of Priviledges. The Emperor required his Council held at the Castle of *Prague*, to oppose and hinder this Assembly, which he said was called to raise Sedition, and to plot against his Person and Government. Nevertheless in all their Publick Worship, the *Evangelicks* prayed to God to confound the Emperors Enemies, and to grant him long to live and reign over them in Peace and Justice.

The *Bohemian* Troubles took their first rise from the breach of the Edict of Peace concerning Religion, and the Accord made by the Emperor *Rodolph*, whereby the Protestants retained the free exercise of their Religion, enjoyed their Temples, Colledges, Tithes, Patronages, Places of Burial, and the like; and had liberty to build new Temples, and power to choose Defenders to secure those Rights, and to regulate what should be of service in their Churches. Now the stop of building certain Churches on Lands within the Lordships of the Catholick Clergy, (in which places the Evangelicks conceived a Right to build) was the special grievance and cause of breach.

On

An Assembly
of the Protes-
tants and
States of Bo-
hemia at
Prague.

The first oc-
cation of the
troubles of
Bohemia.

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16. *Jacobe.*
A Riot committed by the Protestants in the Castle of Prague.

On the Twenty third of *May* the chief of the Evangelicks went armed into the Castle of *Prague*, entred into the Council-Chamber, and opened their grievances; but enraged by opposition, threw *Slabata* the Chief Justice, and *Smeantius*, one of the Council, and *Fabritius* the Secretary, from an high window into the Castle Ditch; others of the Council temporizing in this Tumult, and seeming to accord with their demands, were peaceably conducted to their own houses. Hereupon the

- A Assembly took advice to settle the Town and Castle of *Prague* with new Guards; likewise to appease the People, and to take an Oath of Fidelity. They chose Directors, Governors, and Counsellors Provincial to govern affairs of State, and to consult of raising Forces against the enemies of God and the King, and the Edicts of his Imperial Majesty. They banished the Jesuits throughout all *Bohemia*: Moreover, to defend their own cause, and to give an account of their late proceedings, and present posture, a Declaration was drawn up, and sent, with Letters, to the Estates
- B of *Moravia*, *Silesia*, and *Lusatia*, and to all the Princes and States, their Allies, throughout the Empire, with the request of aid in case of need. They declare to this effect.

THAT they had indured infinite Injuries and Afflictions, by certain Officers Ecclesiastick and Civil, and by the Jesuits above all others, who sought to bring them under the yoke of Popery, reviled them with the names of Hereticks, heaved them out of places

The Protestants put forth a Declaration.

- C of Dignity, provoked the Magistrates to pursue them with fire and Sword: That their Ministers were banished, and their Charges given to Roman Catholicks. The Senators of Prague, who were Evangelicks, were evil intreated, and divers persons persecuted for Religion, under pretence of Civil offences. And whereas in case of difference touching the Agreement and Edict of Peace, the Estates of both parties were to hear and judge; their Enemies procured Commands from the Emperour to bear them down before a due hearing: Their lawful Meetings to advise and seek redress, were declared to be manifest Sedition and Rebellion, and themselves threatened with loss of Estates and Lives.
- D

- This Declaration they sent likewise to the Emperour, with a submissive Letter, asserting their own Fidelity, and praying for the removal of those evil Counsellors, that threaten so much danger to his Majesty, and his Kingdoms. The Emperor herewith was no way pacified, but charged
- E them with an evil design, required them to lay down Arms, and to make no more Levies, but to live in peace as becometh faithful Subjects: Upon which terms he promised to disband his own Souldiers, to forgive what was past, and to protect all that will obey him.

The Emperor disgusted with the Declaration.

- This prevailed nothing, but the breach grows wider. The Emperor published a *Manifesto* in Answer to the Apology of the *Bohemian* States, and wrote Letters to the Electors, Princes, and States of the Empire, with high Aggravations of the violence offered at *Prague* to his principal Officers, against Divine and Humane Rights, the Constitutions of the Kingdom, and the Customs of all Nations, without hearing, without summoning, without any form of *Process*; yea, without giving a moment of time to Repent, or make Confession, or receive the Sacrament, which is never denied to the worst offenders.
- F

He publishes a Manifesto.

An. 1618.
Both Parties
Arm.

Forthwith a pernicious War, and all confusion breaks out. The Emperor raised Forces under the conduct of divers Commanders, of whom the chief were Count *de Buquoy*, and Count *d'Amure*. The Evangelicks raise two Armies under Count *de Thurn*, and Count *Mansfeld*. *Moravia*, *Silesia*, and *Lusatia*, with all the Estates Protestant, Germans, and Neighbours of *Bohemia*, (very few excepted) assist the Evangelicks with Counsel, Men and Money, likewise the Prince of *Orange*, and the States of the *United Provinces*, promised to aid them with their Forces. The Electors and Princes Protestant favouring the *Bohemians*, whose Countrey the Imperialists destroy with Fire and Sword, perswade the Emperour to stop the rage of Civil War, the succels whereof is doubtful, and the end ever miserable. The Emperour propounded an Arbitration of these differences by the Elector of *Menz*, and the Duke of *Bavaria*, Princes Catholicks; and by the Electors *Palatine* and of *Saxony*, Princes Protestants; and *Pilsen* should be the place of Treaty: The Evangelicks consent to the Arbitration, but dislike the place, where the people were wholly Catholicks, and followed the Emperors Party; besides, the *Directors* had designed the besieging of it. New actions of War made the overtures of Peace more difficult: Several Armies were now raising throughout *Bohemia*, and the neighbouring Provinces: As yet the Elector of *Saxony* stood Neutral; the Duke of *Bavaria* cast in his lot with the Emperor, whose Estate was than every where embroiled.

A Comet appears at this time.

* Sir John H. ion.

At this time there appeared a Comet, which gave occasion of much discourse to all sorts of men; amongst others, a learned Knight, our Country-man, confidently and boldly affirmed, [That such persons were but abusers, and did but flutter Greatn^s, who gave their verdict, that that Comet was effual, as some would have it, or signal, as others judge it, only to Africa, whereby they laid it far enough from England. When this Knight, out of the consideration of the space of the Zodiack, which this Comet measured, the inclination of his Sword and Blade, and to what place both the head and tail became Vertical, together with other Secrets; Said, That not only all Europe, to the Elevation of Fifty two Degrees, was liable to its threatenings, but England especially; yea, That Person, besides, in whose Fortune we are all no b^s embarked, than the Passenger with the Ship is in the Pilot that guideth the s^m; the truth whereof, said he, a few years will manifest to all men.]

And it was observed by Dr. *Bainbridge*, a famous Astronomer, that toward the Declination of it, the eleventh of December it past over *London* in the morning, and so hasted more Northwards, even as far as the *Orcades*.

King James engages not in these troubles, flattering himself with the Spaniards seeming forwardness to effect the Match.

Amidst these distractions, the House of *Austria* made no small improvement of their interest in the King of Great Britain, who in the hot pursuit of the Spanish Match, was earnest to oblige them. And the Spaniards made shew, that on their part, nothing under Heaven was more desired, than this Alliance; and in their Discourses magnified the King, Queen, and Prince of *England*. For the state of their Affairs did press them hard, if not to close really, yet at least to fain a pressing towards it. For the French administered cause of discontent; the Truce with the *United Provinces* was near expiring; but above all, they took to heart the *Bohemian War*, and resolved to set the main stock upon it: Wherefore the King of Spain gave commandment, that his Treasure should be gathered together for the *Infanta's* vast Portion, being no less than Two Millions, and gave hopes of the payment of half a *Million* beforehand,

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as was desired, and with himself all dis�itches seemed to pass freely. But his Ministers give not the same satisfaction, and proceeded so slackly in the busines, that they were suspected either not to intend it at all, or not so soon as was pretended: Besides, the wiser here observed and repined, that all difficulties, hazards, and odious passages, must rest on the Eng^tl side, which Spain did little value. That King James did that to gratifie the Spaniard, which rendred him disgusted by his Subjects; but if Favour

A were granted to any Subject of his by the King of Spain, it was not without design to engage him in his own Service. Which resentments may be collected from a Letter written by a great Minister of State, to Mr. Cottington, his Majesties then Agent in Spain; which for clearer satisfaction you have here at large.

A Letter from
a great Minis-
ter of State
to Mr. cot-
tington.

B **G**ood Mr. Cottington, I doubt not but before these come to your hands, you will have heard of the Receipt of all your former Letters: These are in answer of your last of the eighth of October, wherein you advertise of the arrival of the Conde Gondomar, at Lerma, and of his entertainment by that Duke. It seemeth unto us here in England, that he hath gone bat very slowly in his journey; and divers (seeing how long time he hath spent in the way) do make conjecture, That it proceedeth from the small affection that he judgeth to be there, towards the effecting of the main busines; saying, If the Ambassador were assured that his Master did so really desire the speedy effecting thereof, as is pretended, he would have made more haste homeward? and that it hath C not been sincerely intended, but meerly used by that State as an amuzement to entertain and busie his Majesty withal, and for the gaining of time for their own ends: and this is muttered here by very many, but I hope, we shall ere long receive such an account from thence of their proceedings, as will give sufficient satisfaction. For my own part, I must confess I am yet well perswaded of their intentions; For, if there be either Honour, Religion, or moral Honesty in them, the Protestations and Professions which I have so often heard them make, and you likewise dayly advertize hither, are sufficient to persuade a man D that will not judge them worse than Infidels, to expect sincere dealing in the busines; and whensoever I shall perceive that they go about to do otherwise, I must confess my self to have been deceived, as I shall ever be on the like terms, while I deal with inmost care; but withal, I shall judge them the most unvorthy and perfidious people of the World, and the more, for that His Majesty hath given them so many testimonies of his sincere intentions toward them, which he daily continueth, as now of late, by the causing Sir Walter Rawleigh to be put to death, chiefly for the giving them satisfaction: whereof his Majesty commanded me to advertise you, and concerning whom, you shall by the next receive a Declaration, shewing the Motives which induced his Majesty to recall his mercy, through which he had lived this many years a condemned man. In the mean time, I think it fit, that to the Duke of Lerma, the Confessor, and the Secretary of State, you do represent his Majesties real manner of proceeding with that King and State; and how for the advancing of the great busines, he hath endeavoured to satisfie them in all things, letting them see how in many actions of late of that nature, his Majesty hath strained upon the affections of his people, and especially in this last concerning Sir Walter Rawleigh, who died with a great deal of courage and constancy; and at his death moved the common sort of people to much remorse, who all attributed his death to the desire his Majesty had to satisfy Spain.

Further, you may let them know how able a man Sir Walter Rawleigh was to have done his Majesty service, if he should have been pleased to employ him;

An. 1618.

him; yet to give them content, he hath not spared him; when by preserving him, he might have given great satisfaction to his Subjects, and had at command, upon all occasions as useful a man as served any Prince in Christendome; and on the contrary, the King of Spain is not pleased to do any thing which may be so inconvenient unto him, as to lessen the affections of his people, or to procure so much as murmuring or distractions amongst them: And therefore it is to be expected, that on his part, they answer his Majesty, at least with sincere and real proceeding, since that is all they are put to, the difficulties and hazards being indeed on his Majesties side. A And truly, I should think it fit, that not by way of commination, but as it were out of zeal to the Peace and Amity betwixt these two Crowns, you did intimate to the Duke and the other Ministers, how impossible you held it to have peace long continued betwixt their Majesties; if in this business, wherein so much hath been professed, there should be found any indirectness. But herein you must be cautious and temperate; for as on the one side, you and I well know, that this stile most persuades with them, so on the other side, the decency and buen termine that is to be observed betwixt great Princes, will hardly admit of Threats or Revenge for a wooing Language; but this I know falleth into so discreet a hand, that I little fear the handsome carriage of it. And I hope that before these Letters arrive with you, we shall bear from you, in such a stile, that this advice of mine shall be of no use. I pray you be very earnest with the Conde Gondomar, that he will not forget to negotiate the liberty of Mr. Mole, for whom I hope (now my Lord Ross is dead) for that which you and I know, it will not be so difficult to prevail. You may put him in mind, how when Father Baldwill's liberty was granted unto him, although he could not absolutely promise Mr. Moles release, yet he then faithfully protested, he would use the mediation of the Duke of Lerma, and of the King's Confessor, and of that King, if need were; and that he would try the best friends he had for the procurement of his enlargement, wherein you may desire him to deal effectually, for that there is great expectance that he should proceed honourably and really therein. I my self likewise will use all the means I can for his relief; for it is a thing which is very much desired here, and wold give a great deal of satisfaction. D

As touching Osulivare, it is very fit that you let them know, that the report of the honour they did him, hath come unto his Majesties ears, and that although they will alledge, that in the time of Hostility betwixt England and Spain, it may be he did them many services, and may then have deserved well at their hands; for which they have just cause to reward him; Yet since by his Majesties happy coming to these Crowns, those differences have had an end, and that there is a perfect League and Amity betwixt them, his Majesty cannot chuse but dislike that they should bestow upon him any Title or Dignity, which onely or properly belongeth unto him towards his own Subjects; that therefore he would be glad that they would forbear to confer any such titulary Honours upon any of his Subjects without his Privity. This, you shall do well to insist upon, so that they may understand that his Majesty is very sensible, that they should endeavour to make the Irish have any kind of dependance on that State. E

Nov. 17.
Queen Anne
dyeth.

Queen Anne died this year at Hampton Court, and was thence brought to her Palace at Denmark-house in the Strand: The common people who were great Admirers of Princes, were of opinion, that the Blazing-Star rather betokened the Death of that Queen, than that Cruel and Bloody War which shortly after hapned in Bohemia, and other parts of Germany. F

In

17. Iacobi.
1619.
Matthias the Emperor dies.

A IN the beginning of the Year One thousand six hundred and nineteen, the Emperor *Matthias* died; but immediately before his death, to engage Persons of Honour in the Service of the Empire, he instituted Knights of several Orders, for the defence of the Catholick Religion; who were bound by Oath to be faithful to the Apostolick See, and to acknowledge the Pope their chief Protector. The Count *Palatine* of *Rhine*, who in the *Interregnum* is chief Vicar of the Empire, published his right, by the Golden Bull, to govern in chief, till a new Emperor be chosen, and, by advice, assumed the Power, requiring the People to demean themselves peaceably under his Government.

B King *Ferdinand*, in his broken estate, propounded a cessation of Arms, and offered fair Terms of Peace; but was not answered, for the breach would not be made up. The *Bohemians* declared, that their Kingdom was Elective, not Hereditary; that the States-General ought to have the free Election of their King, who always ought to be one of the Royal House of *Bohemia*: That *Ferdinand* took the Government upon him, by virtue of his Coronation in the Emperor's life time, and had thereby made the Kingdom a Donative. The Evangelicks in the Upper *Austria* demanded equal Priviledges with the Catholicks, and resolved to make Union with the *Bohemians*. The Protestant States of *Moravia*, *Silesia*, and *Hungary*, banish the Jesuits. The *Bohemians* prospered in these beginnings; but the *Austrian* Party received vigour by supplies out of *Hungary* and *Flanders*, and were able to stand their ground; and the Emperor capitulated with the Duke of *Bavaria* to levy Forces to his use; for the expence of which service, he engaged part of his Countrey to him.

C The War grows to a great height, and the King of *England* interposed in these differences, and sent the Viscount *Doncaster* Extraordinary Ambassador to mediate a Reconciliation. His constant love of Peace, and his present fear of the sad issue of these Commotions, and the request of the King of *Spain*, moved him to take this part in hand. It was the **D** Spaniards policy to make him a Reconciler, and by that means to place him in a state of Neutrality, and so frustrate the hopes of that support which the Princes of the Union might expect from him by the Interest of the Count *Palatine*: For which cause, the King of *Spain* speaks out large promises, That he should be the sole and grand Arbitr of this Cause of Christendom. Nevertheless, his Mediation was slighted by the Catholick Confederates, and his Ambassador shuffled out of the business. And at the same time, Mr. *Cottington* being very sensible of their unworthy dealings in the Court of *Spain*, professed, that his most useful service, and best complying with his own Conscience, would be to disengage the King his Master.

E The Archbishop of *Mentz*, the Representers of the Duke of *Saxony*, and the other Electors, *Brandenburg*, *Cullen*, and *Tryers*, met at *Franckford*, to chuse the Emperor.

F Upon the Eighth day of *August*, *Ferdinand* was chosen King of the *Romans*; and upon the Nineteenth of *September* had the Imperial Crown set upon his head. Ambassadors from the Elector *Palatine* came to oppose *Ferdinand*, but were denied entrance at *Franckford*: The *Bohemians* disclaimed the said Election, and being assembled for that purpose, with the consent of their Confederates, elected for their King, Count *Frederick Palatine of Rhine*.

King *James* interposes by his Ambassador the Viscount *Doncaster*.

The Elector *Palatine* sends an Ambassador to oppose the Election of *Ferdinand*. The *Bohemians* chose the *Palatine* for their King.

After that time, *Bethlem Gabor*, Prince of *Transylvania*, made known to

An. 1619.

Bethlem Gabor makes a Union with the Protestants.

The Palatine craves the advice of King James, touching his accepting the Crown.

the Directors Evangelick, his great sense of their condition since those troubles began, desired Union with them, and offered to come in with an Army, hoping for the Great Turks consent to peace, during the time of that Service. The Directors return their thanks, accept the offer, and Prince Bethlem immediately entred Hungary, to the Emperor's great vexation, danger, and detriment; marching with an Army even to the Walls of Vienna.

A The Count Palatine Elected King of Bohemia, craved advice of his Father in Law, the King of Great Britain, touching the acceptation of that Royal Dignity: When this important business was debated in the Kings Council, Archbishop Abbot, whose infirmities would not suffer him to be present at the Consultation, wrote his mind and heart to Sir Robert Naunton, the Kings Secretary.

B That God had set up this Prince, his Majesties Son in Law, as a Mark of Honour throughout all Christendom, to propagate the Gospel, and to protect the Oppressed. That for his own part, he dares not but give advice to follow, where God leads; apprehending the work of God in this, and that of Hungary: That by peace and piece, the Kings of the Earth, that gave their power to the Beast, shall have the Whore, and make her desolate. That he was satisfied in Conscience, that the Bohemians had just cause to reject that proud and bloody Man, who had taken a course to make that Kingdom not Elective, in taking it by the Donation of another. The slighting of the Viscount Doncaster in his Ambassage, gave cause of just displeasure and indignation: Therefore, let not a Noble Son be forsaken for their sakes, who regard nothing but their own ends. Our striking will comfort the Bohemians, honour the Palgrave, strengthen the Princes of the Union, draw on the United Provinces, stir up the King of Denmark, and the Palatine's two Uncles, the Prince of Orange and the Duke of Bouillon, together with Tremouille, a rich Prince in France, to cast in their shares. The Parliament is the old and honourable way for raising of Money, and all that may be spared is to be turned this way. And perhaps, God provided the Jewels, which were laid up in the Tower by the Mother, for the preservation of the Daughter, who, like a Noble Princess, hath professed, that she will not leave her self one Jewel, rather than not maintain so Religious and Righteous a Cause. Certainly, if countenance be given to this Action, many brave Spirits will offer themselves: Therefore, let all our Spirits be gathered up to animate this busines, that the World may take notice that we are awake when God calls.

C D E F

The life and zeal of these expressions, from a Person of such Eminency, may discover the judgment and affection of the Anti-Spanish Party in the Court of England. But the King was engaged in those ways, out of which he could not easily turn himself. Besides, it did not please him, that his Son should snatch a Crovvn out of the Fire: And he was used to say, That the Bohemians made use of him, as the Fox did of the Cats foot, to pull the Apple out of the Fire for his own eating. In the mean while, before the King could answer, the Palgrave desiring advice in that behalf, the Bohemians had wrought, and prevailed with him, to accept of their Election; whereof he sent advertisement into England, excusing the suddenness of the action; for that the urgency of the cause would admit of no deliberation. King James disavowed the act, and would never grace his Son in Law with the Stile of his new Dignity. But Sir Richard Weston and Sir Edward Conway were sent Ambassadors into Bohemia,

Before answer came, he had accepted it.

to

A to close up the breach between the Emperor and the Elector *Palatine*.

The King being not a little troubled and jealous, that the *Palatines* nearness to him, might give cause of suspicion to his Brother of *Spain*, that this Election had been made by his procurement, or correspondence with the German Protestants, commands his Agent *Cottington* to give that King plenary Information of all proceedings; as, That his Ambassador being sent to compound the differences, and to reduce the *Bohemians* to the quiet obedience of the Emperor, in stead of finding the Emperor so prepared, and such a way made for his Mediation, as was promised and expected, received answer, That the busines was already referred to four of the Electors, insomuch that no place was left for his Authority to interpose.

B Of this exclusive Answer, as he had just cause to be sensible, considering that he had entred into that Treaty, meerly at the instance of the King of *Spain*, and his Ministers; so there followed a further inconvenience, That the *Bohemians* having long expected the fruit and issue of this Mediation, and finding little hope by this means, did instantly, as out of desperation, elect the Count Palatine for their King: Wherefore being tender of his own Honour and Reputation, especially in the Opinion of the King of *Spain*, he would not have it blemished by the least misunderstanding. And for that end, he tendred to his View such Letters, as from time to time he had written to the Princes of the Union, and to the *Palatine* himself, whereby he might plainly see his dislike of the *Bohemians* engaging against their King, and his industry to contain those Princes in peace and quietness, and to make a fair Accord between the disagreeing Parties.

C Reply was made, as touching the Answer given to the Viscount *Donecaster*, That he was admitted a Compounder in such form as was possible, the Arbitration having been committed by the late Emperor into the hands of three of the Electors, and the Duke of *Bavaria*; That nevertheless, he might have proceeded in the Negotiation, and by his Masters Authority, have over-ruled any difficulty, which might have hapnied on the Emperor's side, (on whose behalf the reference was made) if he had reduced the *Bohemians* to the acceptance of any reasonable conditions: But he presently, to the Emperors great disservice, laboured to suspend the Election of the King of the *Romans*, till the *Bohemian* Controversies were first compounded, which was absolutely to defeat King *Ferdinand* of that Crown, and to disturb and put in danger his Election to the Empire. This was the more confirmed by his desire to make Bonfires in *Diege*, when the Count *Palatine* was made King of *Bohemia*. As touching the Kings integrity in the whole busines, the satisfaction tendred was received with great applause; and it was further said, That it would gain the more authority and estimation, if he should continue to disclaim that which had been done so contrary to his Opinion, and against his Friends and Allies, as are all the Princes of the House of *Austria*.

D The King of *Spain* testifies his resentment of Viscount *Donecaster's* proceedings in *Gauzay*.

E The King of *Po.* and aids the Emperor.

F But the Lot was cast in *Germany*, and for the *Palgrave*, there was no going back; Forces pour in amain on both sides. The King of *Poland* aided the Emperor in *Hungary*, to bound and check the incursions of Prince *Bethlem*; the Duke of *Sixony* did not brook his Fellow Electors advancement to Regal Majesty, and condemned his joyning with *Bethlem Gabor*; Who, saith he, came in with the *Turks* consent to make a desolation in the Empire.

17th *Jacob.*

King *Jacob* abdicates the *act*, and clear himself of it to the King of *Spain*.

King *Jacob* abdicates the *act*, and clear himself of it to the King of *Spain*.

An. 1620.

Ferdinand
publishes a
Proscription
against the
Palatine.

Prince *Achallt*
Generalissimo
of the Bohemians.

Marquis *Ansbach*
commands the
Forces of the
Princes of the
Union.

King *James*
will not en-
gage in the
War; sends
Sir *Walter*
Aston Ambas-
sador into
Spain to nego-
tiate the Match,
and *Gondomar*
returns.

Great immu-
nities promis-
ed by King
James to the
Catholicks.

18 *Jacobi.*

1620.

A great Army
levied in Flan-
ders under the
command of
Spinola.

A Regiment
under the com-
mand of Sir
Horatio Ire
sent from
England.

King *Frederick* visited the several parts of his Kingdom, to confirm the People to him, and to receive the Oath of Fidelity: And the Emperor published a Proscription against him, wherein he proclaims him guilty of High Treason, excludes him out of the publick Peace, and declares his resolution to prosecute him as the publick Enemy of the Empire, and a contemner of his Imperial Majesty; and absolves all his Subjects from their Oaths and duties to him, and commands all Persons whatsoever to abandon him and his adherents. *Christian Prince of Achallt*, was appointed Generalissimo of the Bohemian Forces, and governed all affairs, which was some eclipse and discontent to *Thurne* and *Mansfelt*, who had hitherto stood the shock of the Imperial Armies. The Princes of the Union raised Forces for the defence of the *Palatinate*, and their own interest, under the Marquis *Ansbach*. The Evangelicks were put to the worst by General *Buquoy* in several Encounters, and were much terrified by the Duke of *Bavaria*, who marched with an Army of Fifteen thousand Horse and Foot, and a Train of Artillery proportionable; and they were weakened by a Cessation of Arms in *Hungary*, between the Emperor and the Prince of *Transylvania*.

In *Spain* they make all possible preparations for this War; only the King of *England* will not take the Alarm, abhorring War in general, and distastng the *Palgrave's* cause, as an ill president against Monarchy, and fed with hopes of composing all differences by the success of the *Spanish* Treaty. For which purpose Sir *Walter Aston* was then sent Ambassador into *Spain*, and *Gondomar* returned into *England*, there to abide, till the long debated Match be fully effected. The Articles of Religion, for securing Liberty of Conscience to the *Infanta* and her Family, were greatly enlarged by the Commissioners designed for the Treaty, and were allowed by the King of *England*; but without a dispensation from *Rome*, the Transactions between the two Kings were but Nullities. And for this cause it was expected, that our King should propound such Conditions, for the increase and great advantage of the *Roman Catholick* Religion, that the Pope may deliberate whether they be of that Nature as may perswade and merit the Dispensation. To this demand the King made answer in his Letter to the King of *Spain*, That he had done as much in favour of the Catholicks as the times would bear, and promised in the word of a King, That no *Roman Priest*, or other Catholick, should thenceforth be condemned upon any capital Law. And although he could not at present rescind the Laws, inflicting only pecuniary mulcts; yet he would so mitigate them, as to oblige his Catholick Subjects to him. And if the Marriage took effect, his Daughter in Law should find him ready to indulge all favours which she should request for those of her Religion. Herein the *Spanish* Council acknowledged great satisfaction given, and a Paper was conceived and drawn up by a Junto of Canonists, Lawyers, and Divines, to perswade the Pope to act his part.

IN the mean while, an Army of Thirty thousand was levying in *Flanders*, under the command of Marquis *Spinola*. The King of *England* sent to know the cause of so great preparations. The Marquis gave answer, That he received his Commission sealed up, with a charge, not to open it, till his Army were compleated, and brought together to a Rendezvous: But the King had proof enough to assure him, that this Army was intended for the *Palatinate*. Yet no more than one Regiment, under the command of Sir *Horatio Ire* could be obtained from him, though

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18 *Jacobi.*

two more were promised : when *Spinola* had his Rendezvous where he mustered six and twenty thousand Foot, and four thousand Horse, he opened his Commission, which required him to make war against all those which should be confederate with the *Bohemian Rebels*; and he communicated the same to the Ambassador of Great Britain. At the same time the English began their march ; as brave a Regiment as hath appeared in any age, consisting most of Gentlemen, under a most worthy Leader, who was accompanied with the Earls of *Oxford* and *Essex*, persons innobled as well by their own vertues, as by their Progenitors. Other Commanders in this Regiment were Sir *Edward Sackville*, Sir *Gerard Herbert*, Sir *Robert Knolles*, Captain *Stafford*, Captain *Wilmer*, Captain *William Fairfax*, Sir *John Bury*, Captain *Burroughs*, Capt. *Robert Knightly*, &c.

A This handful of men reached the *Palatinate* with some difficulty, by the aid and conduct of *Henry Prince of Nassau*.

B The Imperial forces became exceeding numerous by large supplies from several Countreys and Provinces. The States Protestant of the Upper and Lower *Austria*, upon the approach of the *Bavarian Army*, seeing nothing but manifest ruine, renounce their confederacy with the *Bohemians*, and submit to the Emperor, saving to themselves their Rights and Priviledges in Religion. Whereupon the *Bohemians* and their King being but twenty thousand strong, besides an Addition of Ten thousand *Hungarians* from *Bethlem Gabor*, and fearing least *Bavaria* and *Bugny* joyning their forces, should fall into *Bohemia*, thought it best to fortify the Frontiers, and to defend their Countrey, which they conceived they might well do, if the Elector of *Saxony* would continue in his Neutrality. The Emperor sent to the said Elector to execute his Ban or Declaration of Treason against the Count *Palatine*, and the *Bohemian Rebels*. The *Bohemians* by their Ambassadors requested him, if he would not own their Cause, yet at least to remain neutral. The Duke of *Saxony* replied to King *Frederick*, That he had often represented to him, what ruine was

C D like to follow him, by taking anothers Crown ; and for his own part, being called upon by the Emperor, to execute his Ban, and chastise the Rebels, he could not disobey that just Command : The Protestant Princes sent to him again, and gave him notice of *Spinola's* advance to subdue the *Palatinate*, but this did nothing move him. He entred *Lusatia* with some forces, and quickly reduced a part of that Province.

E In the *Palatinate*, *Spinola* having got the start of the English, by means of a far shorter march, had no sooner arrived, but he took in divers

F Towns, and prevailed greatly over a spiritless people ; yet he warily declined the hazard of Battel with the Princes of the Union : Neither was the Marquess *Ansbach* very forward to engage, or to seek or take advantages. The Dutch Slowness was not excusable, howbeit the great access of strength to the Emperors party, and this slender aid from the King of Great Britain, to preserve his Childrens Patrimony, must needs, dilhearten the German Princes, and help to dissolve the Union. After a while, the season of the year drew them into their Winter Quarters ;

F the Princes retired into their several Countries, and the English Regiment was disposed into three principal Garrisons : Sir *Horatio Vere* commanded in *Manheim*, Sir *Gerard Herbert* in *Heidelberg*, and Captain *Burroughs* in *Frankendale*, having onely power to preserve themselves within those Walls, whilst the enemy ranged round about them.

The Protestant States of *Austria* renounce the confederacy of the *Bohemians*.

The Elector of *Saxony* assists the Emperor, and executes the Ban against the *Palatine*.

Spinola prevails much in the *Palatinate*.

The Armies take up their Winter Quarters.

An. 1620.

A Letter of
the Duke of
Buckingham
to Gondomar
touching King
James his
bent to the
German War.

A Letter written from the Marquess of Buckingham to Conde Gondomar, discovered the bent of the King's mind and will touching the German War, That he was resolved to continue Neuter for Conscience, Honour, and Examples sake. In regard of Conscience, judging it unlawful to intrrone and dethrone Kings for Religions sake ; having a quarrel against the Jesuites for holding that opinion : Besides he saw the World inclined make this a War of Religion, which he would never do. In point of Honour ; for that when he sent his Ambassador into Germany to treat of Peace, in the interim his Son in Law had taken the Crown upon him. And for Examples sake ; holding it a dangerous president against all Christian Princes to allow a sudden translation of Crowns by the Peoples Authority. Nevertheless he could not sit still, and see his Children dispossessed of their Hereditary Rights, and hopes his Son in Law will make Overtures of Peace, which if slighted by the Emperor, he will not lose the season to prepare for the defence of the Palatinate. But if his Son will not hearken to his advice, he shall be enforced to leave him to his proper Counsels.

Notwithstanding this open, wary and tender proceeding with all care and patience to observe the Spanish humours, our State Ministers that were most addicted to Spain, discerned their trifling with us, which they did not spare to censure, and resolved to use a freer Language ; yet still discovered a willingness to wait their further leisure, for the English Patience seemed invincible. In the mean time the Privy Council having an eye to the support of the Palatinate, began the raising of Moneys by way of free gift, and directed Letters of the tenor following, to divers Earls, Viscounts, Bishops, and Barons, the same Letter being sent to each respectively.

Octob. 25.

VOU may formerly have heard how the Palatinate being the ancient Heritage of the Count Palatine, his Majesties Son in Law, and to descend to his Majesties Grand-children, is now invaded by a Foreign Enemy ; many principal Towns are surprized, a great part of the Country in the possession of strangers, and the Inhabitants forced to take an oath against their Natural Prince. Whereupon his Majesty out of considerations of Nature, Honour, and State, hath declared himself in the course of an Auxiliary War for the defence and recovery of the same ; the occasion being so weighty and pressing, hath moved his Majesty by the general Advice of us his Council, to think of some course for provision of that nature, as may serve as well to the maintenance and preserving of the present succours already sent, as for the reinforcing them out of those Countries, as the occasion of the War shall require : And for that the swiftness of the occasion would not permit a supply by other means for the present, so readily as was needful, we have all concurred to begin with our selves, in offer of a voluntary gift unto his Majesty, for the advancement of the present occasion ; nothing doubting, but that your Lordship being a Peer of the Kingdom, will chearfully and readily follow the example of us begun. And if there were much alacrity and readiness found in the Nobility, and others, to contribute at the motion of his Majesties Sons Ambassador, at what time the Palatinate was not invaded, neither had his Majesty declared himself, you will much more and in a better proportion do it now these two weighty Motives do concur ; and so nothing doubting of your Lordships readiness herein, we bid, &c.

To the { Marquess of Winchester, { Earl of Darby,
Earl of Cumberland, { Earl of Northumberland, &c.

Also a Letter of the same form was written to the Lord Mayor of London.

But

18 Jacob.

Friedrick's
Forces totally
routed in the
Battel at
Prague.

His calamity
joined with
lots of Honour.

A

But the short Reign of King Frederick was near its period: The Imperial Forces under *Bizarrus*, *Bugnor*, and *D. Balthazar*, advance towards *Prague*; and the *Böhmen*s quit their Garrisons, to make their Army the more compleat: yet neither Count *Mansfield* nor the English Forces were there. On the Eighth day of *November*, being the Lords day, both Armies met, for the fatal decision of the great Controversie. The *Böhmen*s stood upon the advantage-ground, betwixt the Imperialists and *Prague*. But the Enemy breaking through, scattered and ruined their whole Army, and pursued the Victory. The King and Queen surprized with this, Discomfiture, among a wavering People, in a City not very defensible, were constrained to flie the next morning.

B

Diminution of Honour was added to the calamity of this Prince, because he suffered his Soldiers to mutiny for Pay, when he had a Mats of Money by him, which was left behind to augment the Enemies Conquest. Neither was *Anhalt* the General a fit Person for the high trust reposed in him; who, not long after the defeat, fought and obtained the Emperor's favour, and was made one of his Generals to debet the Protestant Cause and Party. But Count *Mansfield*, whom *Anhalt* slighted, and closed not with him, to bring him up to this Fight, made good his fidelity, and with his flying Army became a continual vexation to the Emperor, harassing his Countries, and forcing Contribution.

C

King *James*, upon the news of the *Palsgraves* overthrow, and upon a Narration of the state of Affairs in those parts made unto his Majesty, by the Earls of *Oxford* and *Essex*, newly returned from the *Palatinate*, was pleased to call a full Council together, to consider of this great and weighty affair. The Order ensuing relates the particulars.

At the Court at *Whitehall*, Jan. 13. 1620.

Present,

| | |
|--------------------------------------|-------------------------------------|
| <i>Lord Archbisop of Canterbury.</i> | <i>Lord V. Falkland.</i> |
| <i>Lord Chancellor.</i> | <i>Lord Carew.</i> |
| <i>Lord Treasurer.</i> | <i>Lord Digby.</i> |
| <i>Lord Privy Seal.</i> | <i>Mr. Treasurer.</i> |
| <i>Lord Steward.</i> | <i>Mr. Secretary Naunton.</i> |
| <i>Lord M. Hamilton.</i> | <i>Mr. Secretary Calvert.</i> |
| <i>Lord Chamberlain.</i> | <i>Mr. Chanc. of the Exchequer.</i> |
| <i>Earl of Arundel.</i> | <i>Master of the Rolls.</i> |
| <i>Earl of Kelly.</i> | <i>Master of the Wards.</i> |
| <i>Lord V. Doncaster.</i> | |

F

His Majesty being resolved to make some Royal preparations for the Recovery and Protection of the Palatinate, being the ancient Inheritance of his Majesties Son in Law, and Grand-children, did in his high wisdom think meet to appoint some persons of knowledge and experience in the Wars, to consider of, and give their advice in such Propositions as shall be made unto them by the Board, for the better expediting of that service. To which purpose, the Earl of Oxford, and the Earl of Essex, the Earl of Leicelter, the Lord Viscount Wilmot, the Lord Danvers, the Lord Calfield, Sir Edward Cecyl, Sir Richard Harrison Knights, and Captain Danbingham were called

An Order at
the Council-
Table for re-
covering the
Palatinate.

An. 1620.

called to the Table, and made acquainted with his Majesties pleasure, That they, or any five or more of them, together with Sir Horace Verc, and Sir Edward Conway Knights (if they return into England while this Committee doth continue) shall undertake this service, and have their Meetings and Assemblies in the whole Council-chamber here in White-hall, touching the affairs above-mentioned: And that for their better assistance, they call unto them such others of experience, whose advice and opinion they shall think fit to make use of in their several Consultations, upon such things as shall be so referred unto them from the Board. Which they are to prosecute without intermission or delay. And they shall make report of their Opinions, which is to be done in writing under five of their hands at least.

The Particulars offered to their Consideration, are these.

*First, What proportion or number of Men, as well Horse as Foot, with Muniti-
on, Victuals, Shipping, and Treasure, will be sufficient for that Enterprise.*

*And secondly, By what time it will be meet, that their Forces be in readiness; And where the Arms, Muniti-
on, and Victuals may best be provided; with such other Circumstances, as are incident to any of these Heads.*

For the better direction herein, Mr. Secretaries will acquaint them with such Intelligences as they have received, touching the strength of the Enemies Forces now in the Palatinate.

Moreover, the King, to encourage the Princes of the Union, and to keep them in Arms, sent them Thirty thousand pounds; yet withall resolved to treat for a Peace, and dispatch'd Sir Edward Villiers into Silesia, to fetch the Palsgrave's submission to the Emperor, upon conditions to be conceived according to equity and conveniency.

The Spaniards
flatter the
King.

Never did the Spaniards more flatter King James, than after the Defeat at Prague. They affirm, that he shall ordain, according to his pleasure, in the Palsgrave's Restitution, and be obey'd; That the Infanta's Portion was preparing, and that the Pope was obliged to grant the Dispensation, from whom they resolve to take no denial. Cottington the Agent in Spain, now attested the honesty of Gondomar's Dispatches hither, and cried him up for a cordial man, and well deserving his Majestie's favour.

This notable Spanish Engine had so wrought himself into the King's affections, that he gained the access of a Favourite, rather than of an Ambassador from a Forreign Prince.

Some in the English Court were then suspected to be Pensioners to Spain; as may be gathered from the Spanish Ambassadors Instructions, received from the King his Master.

Private Instruc-
tions to the
Spanish Am-
bassador into
England.

" **B**esides that which I enjoyn you in your general Instructions given
" to you for England, whither I send you to reside, I thought good to
" advertise you apart by themselves of the chiefeft things of importance,
" which you shall there negotiate, and endeavour to further and ad-
" vance.

" It is well known, that I have desired and endeavoured to favour the
" Cause of the Catholicks of that Kingdom, and to further it to their best
" advantage, as well in the time of the Queen deceased, who did so much
" prosecute and oppress them, as since the time that the present King hath
" succeeded; yet that calamity still continues upon them, by reason of the

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" ill offices done unto them by the *Puritans* and *Primitivists* (of whom
" the greater part of that Kings Council doth consist :) Howbeit, be-
" cause it is a thing that I could not well urge or press, without breed-
" ing jealousies, and so cause thereby a greater harm to the Catho-
" licks, I have proceeded on my part with that wariness and *dissimula-
" tion* as is fit.

- A " D. A. shall inform you of what hath passed in this matter, as also
" in what estate things are at this present, and how you shall govern
" your self for the time to come, according to the orders given unto him,
" whose example we wish you to follow. And of this take special heed :
" That although it be believed, that we may be very confident of the
" trustiness of those *Catholicks*, by whose means the busines of the rest
" is undertaken, that they will be secret ; notwithstanding, let any *He-
" retick* shall come in the name or shew of a *Catholick*, onely to make
" some discovery ; it shall be fit, that in all speeches you shall have with
B " them, concerning that which shall touch the *Catholicks*, that you tell
" them, how much I desire to see them freed from those pressures, under
" which Queen *Elizabeth* put them, and that God would inspire the
" King's heart, that he may reduce himself to the obedience of the *Roman*
" *Catholick Church* : And advise them to endeavour to win the King
" unto them, by shewing themselves good, and loyal, and obedient Sub-
" jects, in temporal duties, and not to meddle any thing against his *State* ;
" that by their deeds he may see, what security may be expected from
C " them, and may also bind himself to favour them ; these being things
" that do no way contradict the observing the *Catholick Religion*, and
" are due from them to the Dignity of their King and Natural Lord :
" And for the same reason they ought to abstain from all ill practices, or
" unsitting speech or actions against his Person, as, is said, some heretofore
" have used ; especially seeing no good hath, or can come thereof, and
" thereby they shall justly provoke him against themselves ; and by hold-
" ing this course, they shall win the King's good will, and the Peace shall
D " be preserved, and by the Peace by little and little, be won and attained
" that which is desired. By this manner of proceeding it is certain, there
" can come no inconvenience : But in case that this your manner of deal-
" ing shall come to the Kings knowledge (as possibly it may) it will breed
" a great obligation of Brotherhood and Friendship between us, when
" he shall see, that I carry my self in this sort in his affairs, and consequent-
" ly will be the more confident of our amity, and will thereby be in-
" duced the better to subdue all malice in them, that shall endeavour to
E " persuade the contrary. And therefore you shall have a special care to
" do this dextrously, in due time and season ; and to inform your self ve-
" ry particularly from the said *D. A.* concerning those with whom you
" may deal confidently, and how far you may trust the *Negotiants* for the
" *Catholicks* ; though you shall do well alway to proceed with the
" aforesaid caution and wariness.
F " You shall understand from the said *D. A.* what *Pensions* are allotted
" to certain *Ministers* of that King, and to other persons : It will be ne-
" cessary to inform your self throughly, of all that concerns this point,
" and that you know both the *Persons* and *Pensions*, to serve your self
" of them, and to make the best use of them in all occasions, that shall
" be most behoveful for your better direction in the busineses given you
" in charge, and all others that may be offered of consequence, seeing
" the said Pensions were appointed to that end.

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" Whatsoever of the said Pensions you shall find unpaid for the time past, *D. A.* is to discharge, and you shall undertake for the time to come, telling every one what his Pension is, to the end they may be deceived of no part thereof by the Third person who conveys it unto them; and let it be punctually paid at the days, that their good payment may bind them to persevere, and do their service punctually; for the which you shall be furnished with all that shall be necessary. And have a special care to advertise me, how such persons employ themselves in the things that shall occur, disguising their names in such manner as *D. A.* doth.

" Above all, you must take great care to dive into the estate of the affairs of that King: What his Treasure is: In what Estimation he is with his Subjects, and what correspondency and good meaning there is betwixt them; How the *English*, *Scotch*, and *Irish* stand affected among themselves, and one towards another, and towards their Neighbours, and how they are bent against me, and my Common Estates, or any of my particular Kingdoms; Whence they draw their Intelligences, and particularly what amity and correspondency that King entertaineth with *France*, and with the *Neutrals* of *Holland* and *Zealand*, and with the *Venitians*, and upon what causes it is founded, what matters they treat of, what designs they have in hand. All which is very necessary to be known; for the attaining of which, *D. A.* will open unto you some ways, which you must follow, besides those which your self shall discover. And you shall advertise me of whatsoever you shall understand and learn, governing your self in all occurrents with that wariness and discretion, as your zeal to my service doth assure me of.

These were the Arts of *Spain*, to corrupt divers in the Court of *England*

Buckingham and his Dependants followed the Kings inclinations: The Duke of *Lenox*, Marquis *Hamilton*, and *William Earl of Pembroke*, disliking the King's course, did not contest with him, but only intimated their dissent.

It was said of *Gondomar*, that when he returned into *Spain*, he gave in his Account of disbursements for Pensions given in *England*, (amongst others) To Sir *Robert Cotton* 1000*l.* a person of great integrity, and one who was ever averse to the House of *Austria*. Which Sir *Robert* getting notice of, by the English Agent, then in *Spain*, demanded reparation; which was obtained, but with a *Silvo* to the Ambassadors honour, the error being laid to be committed by a Dependant upon the Ambassador, and not by himself.

The King being jealous of uncontrolled Sovereignty, and impatient of his Peoples intermeddling with the Mysteries of State, had fallen into a great dislike of Parliaments, and for many years before had given way to Projects and Monopolies: And many of his Ministers perhaps, fearing an inquiry into their own actions, might suggest to him, that he might better furnish himself by those ways, and the Match now in treaty, than by Subsides, usually accompanied with the redress of Grievances. Nevertheless, he was now minded to call a Parliament, conceiving it might be of special use: For he observed the affections of the People to be raised for the recovery of the *Palatinate*; and then concluded, that those affections would open their purses to the supply of his wants; and the Treaty with *Spain* would effect the business, without the expence and troubles

18 Jacob.

troubles of War, and the good accord between him and his People would quicken the *Spirital* to conclude the Match. And accordingly Writs were issued forth to assemble them the 30 of *Januarie*. In the calling of this Parliament, he recommended to his Subjects the choice of such Members, as were of the wilest, gravest, and best affected people, neither superstitious, nor turbulent, but obedient Children to this their Mother-Church.

A In the mean while, in *Germany*, the Protestant Union continually declined, by the gradual falling away of the several Partakers. The Elector of *Saxony* reduced the remainder of *Imperie*. The Province of *Moravie*, upon the approach of *Bugay*, seeing the Count de *Lattre* came not in to their succour, prayed that they might enjoy their Priviledges in matter of Religion, and be received into the Emperor's grace and favour: which submission was well received at *Vienna*. Likewise the States of *Silisia* failing of assistance from the Elector *Palatine*, were contrained to make their peace.

The Protestant Union declines in Germany.

B Then the *Palatine* propounded to the Elector of *Saxony* an Overture of Peace, declaring, That he took the Crown upon him to preserve the Protestants in the free exercise of their Religion. The *Saxon* replied, That he had no way to make his Peace, but to renounce the Kingdom of *Bohemia*, and the Provinces incorporate, and to beg the Emperors pardon. Afterwards the Elector *Palatine* goeth to *Brandenburgh*, and then to *Scenburgh*, where there was an assembly of Princes and States Protestant, to oppose the exploits of *Spiwahl*. In the mean while, Count *Mansfield* stirs in *Bohemia*, pillages several Towns, and the Goods of all those that cried, *God save King Ferdinand*.

The Palatine propounds a Peace to the Elector of Saxony.

C

D The relation of *England* to those affairs of Foreign States, had caused a general liberty of discourse concerning matters of State, which King *James* could not bear, but, by Proclamation, commanded all, from the highest to the lowest, not to intermeddle, by Pen or Speech, which State-concernments, and secrets of Empire, either at home or abroad; which were no fit Themes or Subjects for vulgar persons, or common meetings.

The King puts forth a Proclamation, forbidding discourse of State-affairs.

E On the Thirtieth of *January*, the Parliament began to sit, and the King came in Person, and made this Speech.

The King's Speech to the Parliament.

F

“**M**Y Lords Spiritual and Temporal, and you the Commons. “*Cui multiloquo non deest peccatum.* In the last Parliament I made “long discourses, especially to them of the Lower House: I did open the “true thoughts of my heart; but I may say with our Saviour, *I have piped to you, and you have not danced; I have mourned, and you have not lamented.* Yet as no mans actions can be free, so in me God found some “spices of vanity, and so all my sayings turned to me again without any “success. And now to tell the reasons of your calling, and this meeting, “apply it to your selves, and spend not the time in long Speeches. Consider, that the Parliament is a thing composed of a Head and a Body, “the *Monarch*, and the Two *Estates*; It was first a Monarchy, then after “a Parliament. There are no Parliaments, but in Monarchical Governments; for, in *Venice*, the *Netherlands*, and other Free Governments, “there are none. The Head is to call the Body together: And for the “Clergy, the Bishops are chief; for Shires, their Knights; and for “Towns and Cities, their Burgesses and Citizens. These are to treat of “difficult matters, and to counsel their King with their best advice to “make

An. 1620.

"make Laws for the Common-weal. And the Lower House is also to petition their King, and acquaint him with their Grievances, and not to meddle with their Kings *Prerogative*. They are to offer supply for his Necessity, and he to distribute in recompence thereof Justice and Mercy. As in all Parliaments, it is the Kings Office to make good Laws, whose fundamental cause is the Peoples ill manners) so at this time, that we may meet with the new abuses, and the incroaching craft of the times: particulars shall be read hereafter.

A "As touching Religion, Laws enough are made already. It stands in two points, Perswasion, and Compulsion: Men may perswade, but God must give the blessing. *Jesuits*, *Priests*, *Puritans*, and *Sectaries*, erring both on the right hand and left hand, are forward to perswade unto their own ends; and so ought you the *Bishops*, in your example and preaching: But Compulsion to obey is to bind the Conscience.

B "There is talk of the Match with Spain: But if it shall not prove a furtherance to Religion, I am not worthy to be your King: I will never proceed but to the glory of God, and content of my Subjects.

C "For a Supply to my necessities: I have reigned Eighteen years, in which time you have had peace, and I have received far less supply than hath been given to any King since the Conquest: The last Queen of famous memory, had one year with another above a hundred thousand pounds *per annum* in Subsidies; and in all my time I have had but Four Subsidies, and Six Fifteens. It is ten years since I had a Subsidy, in all which time I have been sparing to trouble you: I have turned My self as nearly to save expences as I may; I have abated much in My Household expences, in My Navies, in the charge of My Munition; I made not choice of an old beaten Souldier for my Admiral, but rather chose a * Young man, whose honesty and integrity I knew, whose care hath been to appoint under him sufficient men, to lessen My Charges, which he hath done.

D "Touching the miserable dissensions in Christendom, I was not the cause thereof; for the appeasing whereof I sent my Lord of *Doncaster*, whose journey cost me Three thousand five hundred pounds. My Son in Law sent to Me for advice, but within three days after accepted of the Crown; which I did never approve of, for three Reasons.

E "First, for Religion's sake, as not holding with the *Jesuits* disposing of Kingdoms; rather learning of our Saviour to uphold, not to overthrow them.

E "Secondly, I was not Judge between them, neither acquainted with the Laws of *Bohemia*. *Quis me Judicem fecit?*

F "Thirdly, I have treated a Peace, and therefore will not be a Party; yet I left not to preserve my Childrens Patrimony: For I had a Contribution of my Lords and Subjects, which amounted to a great sum. I borrowed of my Brother of *Denmark* Seven thousand five hundred pounds to help him, and sent as much to him as made it up Ten thousand; and Thirty thousand I sent to the Princes of the Union, to hearten them. I have lost no time: had the Princes of the Union done their parts, that handful of Men I sent had done theirs. I intend to send, by way of perswasion, which in this age will little avail, unless a strong hand assist: Wherefore I purpose to provide an Army the next Summer, and desire you to consider of My Necessities, as you have done to My Predecessors. *Qui cito dat, bis dat. I will enrage My Crown, My Blood, and My Soul in that Recovery,*

" You

**By Englan.*

18 Jacobi.

A

" You may be informed of me in things in course of Justice ; but I never
 " sent to any of My Judges to give sentence contrary to Law. Consider
 " the Trade, for the making thereof better ; and shew Me the reason why
 " My Mint for these eight or nine years hath not gone. I confess I have
 " been liberal in My Grants ; but, if I be informed, I will amend all hurtful
 " Grievances : But who shall hasten after Grievances, and desire to make
 " himself popular, he hath the spirit of Satan : If I may know my Errors,
 " I will reform them. I was in My first Parliament a Novice ; and in My
 " last there was a kind of Beasts called *Undertakers*, a dozen of whom un-
 " dertook to govern the last Parliament, and they led Me. I shall thank
 " you for your good office, and desire that the World may say well of
 " Our agreement.

In this Parliament, the Commons presented Sir *Tho. Richardson*
 for their Speaker.

B

The King minded his former Engagements, and in the beginning of the
 Parliament sends Sir *John Digby*, now made Lord *Digby*, into *Flanders*, to
 the Archduke *Albertus*, to gain a present Cessation from War, and to
 make way for a Treaty of Peace with the Emperour. And also about the
 same time, he sent Mr. *George Gage* to *Rome*, to joyn with *Padre Maestre*,
 the Spanish Agent, in negotiating the Popes Dispensation. The Archduke
 at *Brussels*, assented to a Reconciliation in favour of our King, and ob-
 tained from Marquis *Spinola* a suspenstion of all hostility against the Coun-
 try and Subjects of the Elector *Palatine*, which continued till the death
 of Archduke *Albert*, who died 17^o *Julii* following. So the Lord *Digby* re-
 turned into *England*, bringing the Cessation of Arms, about the same
 time that Sir *Edward Villers* brought the *Palsgrave's* Submission. But the
 Twelve years Peace between *Spain* and the *United Provinces* at this time
 expiring, *Spinola* returned into *Flanders*, and left the *Palatinate* to the
 Imperial Forces.

The L. *Digby*
 sent Ambas-
 sador into *Flan-*
 ders, and Mr.
Gage to *Rome*.

C

After the Assembly at *Segenbergh*, the Palatine and his Princes took
 their journey into *Holland*, where they found a refuge and noble enter-
 tainment with the Prince of *Orange*, who gave a high testimony of ho-
 nour to the Electress at her first arrival, for her magnanimous carriage
 in *Bohemia*.

The Palatine
 and his Prin-
 cess go into
Holland.

D

The Ambassage of *Weston* and *Conway* prevailed little. The Emperor
 went on in a severe Reformation, and frequent Executions among that
 vanquish'd people : he destroyed most of their ancient Laws, and made
 new Ordinances : declaring a Sovereignty over them, not as an Elected
 King, but as a Lord by right of Conquest.

The Emperor
 proceeds se-
 verely with the
Bohemians.

E

More Princes of the Union reconcile themselves to the Emperor : The
 Imperial Protestant Towns, *Strasburgh*, *Worms*, and *Nuremburgh*, sub-
 scribe to Conditions of Peace. The reconciled Princes and States inter-
 cede for the Elector *Palatine* ; but their motion displeased the Empe-
 ror, who alledged, That the *Palatine* did not acknowledge his faults,
 nor sue for Pardon, but made Levies in *Holland* and elsewhere, to renew
 the War in the Empire. For the King of *Denmark*, the *United Provinces*,
 and divers *German* Princes, did adhere to the *Palsgrave's* cause, and sticke
 for him. But the Princes Confederates being already scattered, and the
 heart of the Union broken ; those counsels and enterprises of War on
 his behalf, instead of repressing the progress of the *Austrian* Party, did
 minister occasion of their more absolute and plenary Conquest.

Imperial Pro-
 testant Towns
 reconcile
 themselves to
 the Emperor,
 and intercede
 for the Pala-
 tine, but in
 vain.

F

But to return to the Parliament in *England*. They petition the King
 for the due execution of Laws against *Jesuits*, *Seminary Priests*, and
 Popish

An. 1621.
 Grievances proposed in Parliament.

Sir Giles Mompesson imprisoned, but escapes beyond-sea.
falsecom.

19 J^u.
 An. 1621.

The King's Speech to the Lords.

Popish Recusants. Likewise they take in hand to redress the Peoples Grievances by illegal Patents and Projects, and chiefly that of Inns and Alehouses, for which there was a great Fine, and an Annual Revenue throughout the Kingdom; and the Monopoly of Gold and Silver thread, whereby the people were abused with base and counterfeit Wares. But the examination of these Abuses was accompanied with the grant of Two Subsidies, which was very acceptable to the King. Sir *Giles Mompesson* was convened before the House of Commons for many heinous offences and misdemeanors in this kind, to the intolerable grievance of the Subject, the great dishonour of the King, and the scandal of his Government. The Delinquent was committed to Prison, but he escaped thence, and got beyond-sea, and was pursued by the Kings Proclamation.

The Commons, at a Conference with the Lords, offered to prove, That the Patents of Gold and Silver-thread, of Inns and Ale-houses, and of power to compound for obsolete Laws, of the price of Horse-meat, Starch, Cords, Tobacco-pipes, Salt, Train-oil, and the rest, were all illegal: Howbeit, they touch'd not the tender point of Prerogative; but in restoring the Subject's Liberty were careful to preserve the King's Honour. The Lords resolved to admit no other business, till this were ended.

Hereupon the King came to the House of Lords, and there made a Speech.

MY Lords, The last time I came hither, My errand was to inform you (as well as My memory could serve Me of things so long past) of the verity of My proceedings, and the caution used by Me in passing thole Letters Patents, which are now in question before you, to the effect, that they might not be abused in the execution. And this I did by way of Declaration. But now I am come (understanding the time of your Censure at hand) to express My readiness to put in execution (which is the life of the Law) those things which ye are to sentence; (for even the Law it self is a dead Letter without execution) for which Office, God hath appointed Me in these Kingdoms. And though I assure My Self, that My former behaviour, in all the course of My life, hath made Me well known for a Just King; yet in this special case I thought fit to express My Own intentions out of My own Mouth, for punishment of things complained of: The first proof whereof I have given, by the diligent search I caused to be made after the person of Sir *Giles Mompesson*, who, though he were fled, yet My Proclamation pursued him instantly: And as I was earnest in that, so will I be to see your Sentence against him put in execution.

Two realons move Me to be earnest in the execution of what ye are to sentence at this time.

First, That duty I owe to God, who hath made Me a King, and tied Me to the care of Government by that politick Marriage betwixt Me and My People; For I do assure you, in the heart of an honest Man, and by the Faith of a Christian King, (which both ye and all the world know Me to be) had these things been complained of to Me before the Parliament, I would have done the Office of a Just King, and out of Parliament have punished them as severely, and peradventure more, than ye now intend to do. But now that they are discovered to Me in Parliament, I shall be as ready in this way, as I should have been in the other: For I confess I am ashamed (these things proving so as they are generally

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- A "generally reported to be) that it was not My good fortune to be the
"only Author of the Reformation and punishment of them by some
"ordinary Courts of Justice. Nevertheless, since these things are
"new discovered by *Parliament*, which before I knew not of, nor could
"so well have discovered otherwise, in regard of that Representative
"Body of the Kingdom which comes from all parts of the Countrey, I
"will be never a whit the flower to do My part for the execution : For,
"(as many of you as are here have heard me often say, and so I will
"still say) so preciouſ unto me is the publick good, that no private per-
"son whatſoever (were he never ſo dear unto Me) ihall be reſpected by
"Me, by many degrees, as the publick good ; not onely of the whole
"Commonwealth, but even of a particular Corporation that is a Mem-
"ber of it. And, I hope, that ye, My Lords, will do Me that right, to pub-
"lish to My people this My heart and purpose.
- B "The ſecond reason is, That I intend not to derogate or infringe
any of the Liberties or Priviledges of this Houſe, but rather to fortifie
and strengthen them : For never any King hath done ſo much for the
Nobility of *England* as I have done, and will ever be ready to do.
And whatſoever I ſhall fay, and deliver unto you as My thought ; yet
when I have ſaid what I think, I will afterwards freely leave the
Judgment wholly to your Houſe. I know you will do nothing but what
the like hath been done before : And I pray you be not jealous, that
I will abridge you of any thing that hath been uſed ; for whatſoever
the Precedents (in times of good Government) can warrant, I will al-
low ; for I acknowledge this to be the Supreme Court of Justice,
wherein I am ever preſent by Representation. And in this ye may be
the better ſatisfied by My own preſence, coming divers times among
you. Neither can I give you any great assurance, or better pledge of
this My purpoſe, than that I have done you the honour to ſet My
onely Son among you, and hope that ye, with him, shall have the means
to make this the happiest *Parliament* that ever was in *England*.
- C D "This I profefs, and take comfort in, That the *Houſe of Commons* at
this time, have ſhewed greater love, and uſed Me with more respect
in all their proceedings, than ever any *Houſe of Commons* have hither-
to done to me, or, I think, to any of my *Predeceſſors*. As for this Houſe
of yours, I have always found it reſpective to Me, and accordingly
do I, and ever did, favour you, as you well deserved. And I hope it
will be accounted a happiness for you, that My *Son* doth now ſit among
you, who when it ſhall please God to ſet him in My Place, will then re-
member, that he was once a *Member* of your Houſe, and ſo be bound
to maintain all your lawful Priviledges, and like the better of you all
the days of his life. But because the World, at this time, talks ſo
much of *Bribes*, I have juſt cauſe to fear, the whole Body of this
Houſe hath bribed him to be a good Inſtrument for you upon all oc-
casions : He doth ſo good Offices in all his reports to Me, both for
the Houſe in general, and every one of you in particular. And the
like I may ſay of one that ſits there, *Buckingham*, he hath been ſo ready
upon all occasions of good Offices, both for the Houſe in general, and
every Member in particular. One proof thereof, I hope, my Lord
of *Arundel* hath already witnessed unto you, in his Report made unto
you of My Answer, touching the Priviledges of the Nobility, how
earnestly he ſpoke unto me of that matter.
- E "Now

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" Now, my Lords, the time draws near of your *Recess*; whether formality will leave you time for proceeding now to sentence against all, or any of the persons now in question, I know not; but, for my part, since both Houses have dealt so lovingly and freely with me, in giving me a free gift, Two Subsidies, in a more loving manner than hath been given to any King before, and so accepted by me: And since I cannot yet retribute by a general Pardon (which hath by form usually been reserved to the end of a Parliament) the least I can do, (which I can forbear no longer) is to do something in present, for the ease and good of My people. Three Patents at this time have been complained of, and thought great Grievances.

A

1. That of the Inns and Hosteries.

2. That of Ale-houses.

3. That of Gold and Silver Thread.

" My purpose is to strike them all dead; and that time may not be lost, I will have it done presently. That concerning Ale-houses, I would have to be left to the managing of Justices of the Peace, as before. That of Gold and Silver thread was most vilely executed, both for wrong done to mens persons, as also for abuse in the stuff; for it was a kind of false Coin. I have already freed the persons that were in prison, I will now also damn the Patent, and this may seem in stead of a Pardon. All these three I will have recalled by Proclamation, and wish you to advise of the fittest form to that purpose.

B

" I hear also there is another Bill amongst you against Informers. I desire you, my Lords, that as you tender My Honour, and the good of My people, ye will put that Bill to an end, as soon as you can; and at your next meeting to make it one of your first works. For I have already shewed my dislike of that kind of people openly in *Star-Chamber*; and it will be the greatest ease to me, and all thole that are near about me at Court, that may be: For, I remember, that since the beginning of this Parliament, *Buckingham* hath told me, he never found such quiet and rest, as in this time of Parliament, from Projectors and Informers, who at other times miserably vexed him at all hours.

C

" And now I confess, that when I looked before upon the face of the Government, I thought (as every man would have done) that the people were never so happy as in my time: For, even as at divers times, I have looked upon many of My Copices, riding about them, and they appeared on the out-side very thick and well grown, unto me; but when I turned into the midst of them, I found them all bitten within, and full of plains and bare spots; like the Apple or Pear, fair and smooth without, but when you cleave it asunder, you find it rotten at heart. Even so this Kingdom, the *External Government* being as good as ever it was, and, I am sure, as learned Judges as ever it had, and, I hope, as honest administering Justice within it; and for Peace, both at home and abroad, I may truly say, more settled and longer lasting, than ever any before; together with as great plenty as ever: so as it was to be thought, that every man might sit in safety under his own Vine and Fig-tree: Yet I am ashamed (and it makes My hair stand up-right) to consider, how in this time My people have been vexed and polled by the vile execution of Projects, Patents, Bills of Conformity, and such like; which besides the trouble of My people, have more exhausted their purses, than Subsidies would have done.

D

" Now, My Lords, before I go hence, since God hath made Me the

" Great

E

F

" Great Judge of this Land under him, and that I must answer for the Justice of the same : I will therefore according to my place, remember you of some things, though I would not teach you ; For no mans Knowledge can be so good, but their Memories will be the better to be refreshed. And now, because you are coming to give Judgment, (all which moves from the King) that you may the better proceed, take into your care two things, 1. To do *Bonum*. 2. To do it *Bene*.

A " I call *Bonum*, when all is well proved whereupon ye Judge ; for then ye build upon a sure Foundation. And by *Bene*, I understand, that ye proceed with all Formality and Legality, wherein you have fit occasion to advise with the Judges, who are to assist you with their Opinions in cases of that nature ; and wo be to them, if they advise you not well. So the ground being good, and the form orderly, it will prove a course fitting this High Court of Parliament.

B " In Sentence ye are to observe two parts : First, To recollect that which is worthy of judging and censuring ; and Secondly, To proceed against these as against such-like crimes properly. We doubt there will be many matters before you ; some complained of out of Passion, and some out of just cause of Grievance : Weigh both, but be not carried away with the impertinent discourses of them that name as well Innocent men as guilty. Proceed judicially, and spare none where ye finde just cause to punish : But let your proceedings be according to Law, and remember that Laws have not their Eyes in their Necks, but in their Foreheads. For, the Moral Reason for the punishment of Vices in all Kingdoms and Commonwealths, is, because of the Breach of Laws standing in force : For, none can be punished for Breach of Laws by Predestination, before they be made.

C " There is yet one particular that I am to remember you of. I hear that Sir Henry Yelverton (who is now in the Tower upon a Sentence given in the Star-chamber against him, for deceiving my trust) is touch-ed concerning a Warrant Dormant which he made while he was my Attorney. I protest I never heard of this Warrant Dormant before ; and I hold it as odious a matter, as any is before you. And, if for respect to me, ye have forborn to meddle with him in Examination, because he is my Prisoner, I do here freely remit him unto you, and put him into your hands.

D " And this is all I have to say unto you at this time, wishing you to proceed justly and nobly according to the Orders of your House ; and I pray God to bless you, and you may assure your selves of my assistance, wishing that what I have said this day among you, may be entred into the Records of this House.

The Lords pronounced Sentence upon Sir Giles Mompeffon, who was fled beyond Sea.

- F 1. That he shall be degraded of the Order of Knighthood, with reservation of the Dignity of his Wife and Children.
2. That he shall stand perpetually in the degree of his person, Outlawed for Misdemeanor and Trespass.
3. That his testimony be received in no Court, nor he to be of any Inquisition or Jury.
4. That he shall be excepted out of all General Pardons to be hereafter granted.

Sentence given
against Sir
Giles Mom-
peffon.

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5. That he shall be imprisoned during life.
6. That he shall not approach within Twelve miles of the Court or Prince, nor of the Kings High Court usually held at Westminster.
7. And that the Kings Majesty shall have the profit of his Lands for life, and all his goods and chattels so forfeited; and that he shall undergo Fine and Ransom, which was set at Ten thousand pounds.
8. Disabled to hold or receive any Office under the King, or for the Commonwealth.
9. That he shall be ever held an infamous person.
10. And his Majesty added thereunto perpetual Banishment.

And Sir Francis Michel his Compartner in Projects.

Sir Francis Michel, a Projector, and Mompessons Compartner, was fined One thousand pound, degraded and imprisoned in the same place in Finsbury Fields, which he had prepared for others: For the Tower was thought too honourable for such a person. He rode likewise from Westminster into London with his face to the Horse-tail. Likewise the King revoked his Letters Patents, Commissions, and Proclamations concerning Inns and Ale-houses, and the Manufactures of Gold and Silver Thred.

To these Reformations the King gave encouragement by his Third Speech in Parliament, wherein he declared much against Corruption and Bribery in Judicatures; professing, That no person should be preferred before the publick good, and that no offender should go unpunished. In the same Speech he gave them thanks for the Subsidies given in the beginning of the Parliament, and for the Title of the Grant, and proceeded to open his present state in relation to his Son in Law, the Prince Elector Palatine; how the summs granted by the Act of Subsidy were taken up before-hand for the defence of the Palatinate, and the maintenance of his Children expelled out of their Countrey, and for the raising of an Army for that recovery: That he had procured a short Truce, and did hope to obtain a general peace. But the charges of sending Ambassadors over Christendom, or an Army into the Palatinate, in case a Peace were not settled, could not be born, but by the grant of more Subsidies. Moreover he protested before God, That he would not dissolve the Parliament till the matters in agitation were finished.

Bribery.
Lord Chancellor Bacon accused and convicted of Bribery.

Soon after the Lord Chancellor Bacon was proceeded against, and a Conference of both Houses was held concerning him: Where, first, the Commons observed his incomparable good parts, which they highly commended; secondly, They magnified the place he held, from whence Bounty, Justice, and Mercy, were to be distributed to the Subjects; whether all great Caulcs were drawn, and from whence there was no Appeal, in case of injustice, or wrong done, save to the Parliament. Thirdly, He was accused of great Bribery and Corruption in this eminent place, and the particulars were laid open: Then they concluded that this matter which concerned a person of so great eminency, might not depend long before their Lordships; but that the Examination of Proofs be expedited, that as he shall be found upon tryal, either he or his accusers might be punished.

After this, the Marquess of Buckingham, Lord Admiral, declared to the House of Lords, That he had received a Letter from the the Chancellor, expressing that he was indisposed in health, but whether he lived or died, he would be glad to preserve his Honour and Fame as far as he was worthy, desiring to be maintained in their good opinions without prejudice,

prejudice, till his cause was heard ; that he should not trick up Innocency with cavillation, but plainly and ingenuously declare what he knew or remembred ; being happy, that he had such Noble Peers, and Reverend Prelates to discern of his Cause ; That he desired no priviledge of greatness for Subterfuge of guiltines, but meaneed to deal fairly and plainly with their Lordships, and to put himself upon their Honours and Favours.

A But the Charge came home upon him, insomuch, that he abandoned all defence, and onely implored a favourable judgment in this humble Submission and Supplication to the House of Lords.

May it please your Lordships,

B I Shall humbly crave at your hands a benign Interpretation of that which I shall now write : for words that come from wasted spirits, and oppressed mindes, are more safe in being deposited to a noble construction, than being circled with any reserved Caution.

C This being moved (and as I hope obtained of your Lordships) as a protection to all that I shall say, I shall go on ; but with a very strange entrance, as may seem to your Lordships at first : For, in the midst of a state of as great affliction as I think a mortal man can endure (Honour being above Life) I shall begin with the professing of gladness in some things.

D The first is, That hereafter the greatness of a Judge or Magistrate, shall be no sanctuary or protection to him agaist guiltiness, which is the beginning of a golden work.

E The next, That after this example, it is like that Judges will flee from any thing in the likeness of Corruption (though it were at a great distance) as from a Serpent ; which tends to the purging of the Courts of Justice, and reducing them to their true honour and splendor. And in these two points (God is my witness, though it be my fortune to be the Anvile upon which these two effects are broken and wrought) I take no small comfort. But to pass from the motions of my heart, (whereof God is my Judge) to the merits of my Cause, whereof your Lordships are Judges under God, and his Lieutenant ; I do understand there hath been heretofore expected from me some justification ; and therefore I have chosen one onely justification, instead of all others, out of the justification of Job. For after the clear submission and confession which I shall now make unto your Lordships, I hope I may say and justifie with Job in these words, I have not hid my sin, as did Adam, nor concealed my faults in my bosome. This is the onely justification which I will use.

F It resteth therefore, That without Fig-leaves I do ingeniously confess and acknowledge, that having understood the particulars of the Charge, not formally from the House, but enough to inform my Conscience and memory : I finde matter sufficient and full, both to move me to desert my Defence, and to move your Lordships to condemn and censure me. Neither will I trouble your Lordships by singling these particulars which I think might fall off. Quid te exempta iuvat spinis de pluribus uva ? Neither will I prompt your Lordships to observe upon the proofs where they come not home, or the scruple touching the credits of the Witnesses. Neither will I represent to your Lordships, how far a Defence might in divers things extenuate the offence, in respect of the time and manner of the guilt, or the like Circumstances ; but onely leave these things to spring out of your more noble thoughts, and observations of the evidence, and examinations themselves, and charitably to wind about the particulars

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culars of the Charge, here and there, as God shall put into your minde, and so submit my self wholly to your Piety and Grace.

And now I have spoken to your Lordships as Judges, I shall say a few words unto you as Peers and Prelates, humbly commanding my Cause to your noble minds, and magnanimous affections.

Your Lordships are not simply Judges, but Parliamentary Judges; you have i further extent of Arbitrary power than other Courts; and if you be not tyed by ordinary course of Courts, or Precedents, in points of strictness and severity, much less in points of Mercy and Mitigation: And yet if any thing which I shall move, might be contrary to your honourable and worthy End (the introducing a Reformation) I should not seek it. But herein I beseech your Lordships to give me leave to tell you a story.

A Titus Manlius took his Sons life, for giving battel against the Prohibition of his General: Not many years after, the like severity was pursued by Papirius Cursor, the Dictator, against Quintus Maximus; who being upon the point to be sentenced, was by the intercession of some particular persons of the Senate spared: Whereupon Livy maketh this grave and Gracious observation, *Neque minus firmata est Disciplina Militaris periculo Quinti Maximi, quam miserabili suppicio Titi Manlii.* The Discipline of War was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius; and the same reason is in the Reformation of Justice. For the questioning of men in eminent places, hath the same terror, though not the same rigor with the punishment. But my Cause stays not there; for my humble desire is, That His Majesty would take the Seal into his hands; which is a great downfall, and may serve, I hope, in it self for an expiation of my faults.

B Therefore, if Mercy and Mitigation be in your Lordships power, and no way cross your ends, Why should I not hope of your favour and commiseration? Your Lordships will be pleased to behold your chief pattern, the King our Sovereign, a King of incomparable Clemency, and whose heart is instructable for Wisdom and Goodnes; And your Lordships will remember there late not these Hundred years before, a Prince in your House, and never such a Prince, whose presence deserveth to be made memorable by Records, and Acts mixt of Mercy and Justice. Your selves are either Nobles (and compassion ever beateth in the Veins of Noble Blood) or Reverend Prelates, who are the Servants of him that would not break the Bruised Reed, or quench the Smoking Flax. You all sit upon a high Stage, and therefore cannot but be sensible of the change of humane conditions, and of the fall of any from high place.

C Neither will your Lordships forget that there are Vitia temporis, as well as Vitia hominis; and the beginning of Reformation hath the contrary power to the Pool of Bethesda; for, that had strength to cure him onely that was first cast in, and this hath strength to hurt him onely that is first cast in; and for my part, I wish it may stay there, and go no further.

D Lastly, I assure my self, your Lordships have a noble feeling of me, as a member of your own Body, and one that in this very Session had some taste of your loving affections, which, I hope, was not a lightning before the death of them, but rather a spark of that grace which now in the conclusion will more appear: And therfore my humble Suit to your Lordships, is, That my penitent Submission may be my Sentence, the loss of my Seal my punishment, and that your Lordships would recommend me to His Majesties Grace and Pardon for all that is past. Gods holy Spirit be among you.

E The Parliament not satisfied with this general Acknowledgment, do require

require the Chancellor, either to confess the particulars of the Charge, or they would descend to proof against him. Hereupon he came to an exprest and plain acknowledgment, even to confess his Servants receipt of a dozen of Buttons, as a gift, in a Cause depending before him; and put himself upon their Lordships mercy. And he further said, "That he was never noted for an avaritious man; and the Apostle saith, *Covetousness is the root of all evil*; and hoped their Lordships did find him in a state of Grace, for that in all particular Charges against him, there were few or none that were not almost two years old, whereas those that have the habit of corruption, do commonly wax worse and worse; and for his Estate, it was so mean and poor, that his care was now chiefly to satisfie his debts. The Lords afterwards pronounced him guilty of the charge exhibited against him, and in the presence of the Commons gave sentence, *That he should undergo Fine and Ransome, and be made incapable to bear Office, &c.*

B This learned Peer, eminent over the Christian World for his many Writings extant in Print, was known to be no admirer of Money, yet had the unhappiness to be defiled therewith: He treasured up nothing, either for himself or his Family, for he both lived and died in debt; he was over-indulgent to his Servants, and connived at their takings, and their ways betrayed him to that error; they were profuse and expensive, and had at command whatever he was master of. The gifts taken were, for the most part, for interlocutory Orders; his Decrees were generally made with so much equity, that though gifts rendred him suspected for injustice, yet never any Decree made by him was reverled as unjust, as it hath been observed by some knowing in our Laws.

C About the same time Sir Henry Yelverton was accused by the Commons; who, by charging him, rendred him the less offender; and he thereby had the opportunity to speak that at the Bar, which he durst not say in the Tower, where he was yet a prisoner, upon a late Sentence in the Star-chamber, for passing some Clauses in the City Charter, when he was Attorney-General, not agreeable to his Majesties Warrant. The matter charged against him by the Commons, was, for committing divers persons for not entring into Bonds to restrain their own Trades: That he signed Dormant Warrants, having no authority for the same: That he advised the Patents of Gold and Silver Thred, to be re-assumed into the King's hands, conceiving the same to be a Monopoly, and advised the Patentees to proceed by contract with the King: That four thousand *Quo Warranto's* were granted by him touching the Patents of Inns, and but two to come to Trial: That he commenced divers Suits in the Exchequer, touching the Gold and Silver Thred, but did not prosecute the same.

D Sir Henry ac-
cused by the
Commons.

E Which Charge being read unto him, he said, He thought himself happy in the midst of his Majesties disfavour, that his Majesty was pleased to cast the Grace upon him, as to send him to this Honourable House; That *Innocence* hath her present Answer, but *Wisdom* requires time. Therefore he made it his humble suit for time, to give his further Answer; adding withall, that the chief Complaint against him was, concerning the two Patents of Gold and Silver Thred, Inns and Osteries. He said, That if he deserved well of his Majesty, it was in that matter; That the King and Subjects were more abused by that Patent, than by any other; and that he suffered at that day for opposing that Patent, as he took it.

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The King being informed of this passage in his Speech, came in person to the House of Peers, took notice thereof, saying, It seemed strange unto him, that Sir *Henry Telverton* should be questioned here upon any thing, save the Patent of Gold and Silver Thred; for his Majesty did not conceive, that any matter was complained of against him touching the Inns and Otteries, whereof he was also examined: touching which Patent, *Mompesson* had made a complaint to his Majesty, that *Telverton* refused to send any Proces of *Quo Warranto* against a multitude of Inn-keepers; and his Majesty accepted *Telverton's* modest answer, That he disliked those proceedings against his Subjects. His Majesty, to clear himself, did lay open the many former just dislikes which he had against Sir *Henry*, and his gentle proceedings against him for the same. And when His Majesty intended to question him, *Buckingham* Lord Admiral besought him not to think of any private wrongs done to his Lordship; His Majesty added, That in the examination of the busines touching the Charter of *London*, *Telverton* had first justified himself by his Majesty's Warrant; and that by that Warrant, he might have given away all *London* from him; yet at length he made a good Submission in the beginning, but in the end he said, he had not wronged his Majesty in his Prerogative. And sith that now *Telverton* doth tax his Majesty, that he suffered for his good service done, his Majesty requires the Lords, who are able to do him justice, to punish *Telverton* for his slander.

Sir *Henry Telverton* coming shortly after before the Lords, gave his particular Answer to each particular Charge, *in serie temporis*, and spake moreover as followeth.

“ **I** Cannot but present my self this day before your Highness, and my Lords with much fear, with more grief; for I am compassed with so many terrors from his Majesty, as I might well hide my head with *Adam*. His Lordship's displeasure (meaning *Buckingham*) wounds me more, than the conscience of any these facts; yet had I rather die, than the Common-wealth should so much as receive a scratch from me. I that in none of my actions feared that great man, on whom they (viz. *Sir Edward Villiers* and *Sir Giles Mompesson*) did depend, much less would I fear them, who were but his shaddow. But, my most noble Lords, knowing that my Lord of *Buckingham* was ever at his Majesty's hand, ready upon every occasion to hew me down, out of the honest fear of a Servant, not to offend so gracious a Master, as his Majesty hath ever been to me, I did commit them (viz. the Silk-men.)

And speaking concerning the Patent of Inns, he said, “ I cannot herein but bemoan my unhappiness, that in the last cause, labouring by all lawful means to advance the honest profit of his Majesty: and in this (with the sight almost of my own ruine) to preserve his Majesty's honour, and the quiet of the People, I am yet drawn in question, as if I had equally dishonoured his Majesty in both.

“ When *Sir Giles* saw I would not be wooed to offend his Majesty in his direction, I received a Message by *Mr. Emmerson*, sent me from *Sir Giles*, that I would run my self upon the Rocks, and that I should not hold my place long, if I did thus withstand the Patent of Inns, or to this effect. Soon after came *Sir Giles* himself, and like an Herald at Arms, told me to this effect, He had a message to tell me from the Lord of *Buckingham*, that I should not hold my place a Month, if I did not conform my self in better measure to the Patent of Inns; for my

" my Lord, had obtained it by his favour, and would maintain it by his power : How could I but startle at this message ? for I saw, here was a great assuming of power to himself, to place and displace an Officer. I saw my self cast upon two main Rocks, either treacherously to forsake the standing his Majesty had set me in, or else to endanger my self by a by-blow, and so hazard my Fortune.

A " I humbly beseech your Lordships : Nature will struggle when she sees her place and means of living thus assaulted ; for now it was come to this, Whether I would obey his Majesty, or my Lord, if Sir *Giles* spake true. Yet I resolved in this, to be as stubborn as *Mordecai*, not to stoop or pass those gracious bounds his Majesty had prescribed me.

B " Soon after, I found the message in part made good ; for all the Profits almost of my Place were diverted from me, and turned into an unusual Channel, to one of my Lord's Worthies, that I retained little more than the name of Attorney. It became so fatal and so penal, that it became almost the loss of a Suit to come to me. My place was but the seat of Winds and Tempests.

C " Howbeit, I dare say, if my Lord of *Buckingham* had but read the Articles exhibited in this place against *Hugh Spencer*, and had known the danger of placing and displacing Officers about a King, he would not have pursued me with such bitterness. But by opposing my Lord in this Patent of Inns, in the Patent of Ale-houses, in the Irish Customs, and in Sir *Robert Nantwich*'s Deputation of his place in the Court of Wards : These have been my overthrow, and for these I suffer at this day in my Estate and Fortune (not meaning to say, I take it, but as I know, and for my humble oppositions to his Lordship) above Twenty thousand pounds.

D The King hearing of this Speech, commanded the Lord Treasurer to acquaint the House of Lords, that he understood that *Telverton*, being called before them the other day as a Delinquent, answered not as a Delinquent, but as a Judge, or Accuser of a Member of that House, the Lord of *Buckingham* ; saying, He suffered for the Patent of Inns, or to that effect : That he was so far from excusing or extenuating of his Offence the last day here, that he hath aggravated the same. Wherefore his Majesty's pleasure is, That himself will be Judge of what concerns his Majesty ; for that which concerns the Lord of *Buckingham*, his Lordship hath besought his Majesty, that that might be left to the House ; and so his Majesty leaves that wholly to their Lordships.

E The Lords made an humble Return to his Majesty, That forasmuch as he was once pleased to make their House Judge of those words formerly spoken by Sir *Henry Telverton*, which touch'd his Majesty's Honour, that his Majesty will be pleased not to resume the same out of their hands, but so far to tender the priviledges of their House, as to continue his first resolution : Which afterwards the King condescended unto.

F The Lords first examining *Emerson*, (who varied in the matter he was examined about) proceeded to sentence Sir *Henry Telverton*, not upon the Charge exhibited against him by the Commons, but for the words spoken by the by ; and declared, That the said Sir *Henry Telverton* for his Speeches uttered here in the Court, which do touch the King's Majesty, his Honour, shall be fined to the King in Ten thousand marks, be imprisoned during the King's pleasure, and make a Submission unto his Majesty. And

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for the scandal committed in these words of his against the Lord Marquis of *Buckingham*, That he should pay him Five thousand marks, and make his submission.

As soon as the Judgment was pronounced against him, the Lord Marquis of *Buckingham* stood up, and did freely remit him the said Five thousand marks ; for which Sir *Henry* humbly thanked his Lordship : and the House of Peers agreed to move his Majesty, to mitigate Sir *Henry* *Telverton's* Fine, and the Prince his Highness offered to move his Majesty therein ; which accordingly was done, and Sir *Henry* was set at liberty, the Duke reconciled to him ; he afterwards preferred to be a Judge, and was esteemed a man *Valet eruditus in Legi*.

Gondomar reviled and assaulted in London streets.

But the Treaties with the Emperor and the King of *Spain* were much disrelished ; *Gondomar* had railed the Peoples fury, and was reviled and assaulted in *London* streets : Whereupon the day following, the Privy Council commanded the Recorder of *London* to be careful in the strict examination of an insolent and barbarous affront, offered to the Spanish Ambassador and his People, for which the King would have exemplary Justice done. And forasmuch as his Majesty was informed, that there was a Fellow already apprehended, though not for casting of stones, or threatening the Ambassador's person, as some are said to have done ; yet for using railing speeches against him, calling him *Devil*, or words to that purpose, it was his Majesties pleasure, that that Fellow without any further delay, on the morrow in the forenoon, be publickly and sharply whipt thorough *London*, beginning at *Algate*, and so through the streets along by the place where the affront was offered towards *Fleetstreet*, and so to *Temple-Bar*, without any manner of favour.

The People were enraged at *Gondomar*, through a perswasion, that he abused the King and State to advance the designs of *Spain*.

By means of his power with the King, he had transported Ordnance, and other Warlike Provisions, to furnish the Spanish Arsenals ; and it was believed, that he underhand wrought the sending of Sir *Robert Mansel* into the *Mediterranean Sea*, to fall upon the Pirats of *Algier*. The Merchants of this Kingdom, by them much infested, being also induced to move for this Expedition, wherein the English Fleet performed gallantly, and advancing within the reach of Canon and Small-shot, which from the Land showred like Hail upon them, fired the Pirats Ships within their own Harbour. Nevertheless hereby our Strength was diverted, our Treasure exhausted, and the Spanish Fleet and Merchants secured from those Robbers, and *Spain* left at liberty to assist in subduing the *Palatinate*.

In the mean while, our Kings affairs in *Germany*, notwithstanding the many complaints, grew more and more desperate.

In *Bohemia*, the Emperor having well-nigh subdued and settled the Countrey, proceeded to the Trial and Execution of the Authors of the late Commotions ; some were condemned to perpetual imprisonment, and others to death ; and the Heads of many eminent persons were fix'd on the Towers in *Prague*, and their Bodies quartered. After this, the Emperor began, both in *Austria* and *Hungaria*, to imprison divers that assisted the *Bohemians*, and caused Proces to be made against them. The Marquis of *Jagerndorff*, who stirred in the County of *Glatsburgh*, and raised forces by Commission from the Elector *Palatine*, published Letters against the Executions in *Bohemia*, as cruel and barbarous.

The Emperor put forth an Answer, and said, That the Marquis published those things maliciously, forasmuch as in *Bohemia*, was the Original

Sir Rob. Mansel sent into the Mediterranean Sea.

The Emperor calls in question the Authors of the Commotions in Bohemia.

19 Jacob.

nal Sedition, and the head that infected the members : That some few Persons, Authors of the troubles, not in hatred of their Religion, but for their Rebellion, have been punished by the hand of Justice. And he declared further, That the like exemplary Justice should not be done in other places, but that the Articles of the Peace should be observed.

A By this time the Parliament having late about four Months, King James was desirous to give them a time of vacancy. The Lord Treasurer, by the King's command, declared unto the Houses, That his Majesty, by the advice of his Privy Council, thought fit to adjourn the Parliament, lest the Season of the Year, by the continual concourse of People, should cause infection. Also, that the Lieutenants and Justices might be in the Country ; and the Adjournment keeping the Parliament still in being, was better than Proroguing. That his Majesty had already redressed corruption in Courts of Justice, and by his Proclamation called in the Patents of Inns, of Osteries, and of Gold and Silver Thred, and cherished the Bill against Informers and Monopolies.

The King intends to adjourn the Parliament.

B The Commons were troubled at this Message, and desired a Conference with the Lords, and moved them to Petition the King to forbear the Adjournment. The King takes notice of it ; and the Treasurer acquainted the Lords, that a Petition of this nature could not be pleasing to his Majesty, it seeming to derogate from his Prerogative, who alone hath power to Call, Adjourn, and Determine Parliaments. The Commons at a further Conference, declared their hearty sorrow and passionate grief at the King's resolution, which, they said, cut off the performance of what they had consulted, and promised for the publick Weal.

The Commons take it not well.

C The Lords sitting in their Robes, the King came and made a Speech, takes notice of his Message to both Houses, and gave their Lordships thanks for obeying the same, and acknowledging his power to Call, Adjourn, and Dissolve Parliaments, and for refusing to joyn with the Commons in the Petition for Non-adjournment. And whereas some had given out, that no good had been done this Parliament, he put them in mind, that the two Patents, grievous to the Common-wealth, were called in, and that the Parliament had censured the offenders for an example to all Ages. And, if they desired it, he offered them eight or ten days longer sitting, to expedite Bills ; but said, that at the request of the Commons he would not grant it. The Lords had a Conference with the Commons ; after which, they moved the King to continue their sitting for fourteen days ; which was granted, and the Commons were satisfied with the resolution of Adjournment.

D E A Committee of both Houses afterwards attending the King, he told them how ill he took it, that the Commons should dispute his reasons of Adjournment ; all power being in him alone to Call, Adjourn, Prorogue, and Dissolve Parliaments. And on June 4. he declared for an Adjournment till November following ; and that he will in the mean time, of his own Authority, redress Grievances. And his Majesty, as General Bishop of the Land, did offer his prayers to God for both the Houses ; and admonished them, That when they go into the Countrey, they give his people a good account and satisfaction, both as to the Proceedings, and to the Adjournment of the Parliament.

The King represents it.

F The House of Commons, immediately before their recess, taking to Heart the miseries of the Palatinate, resolved, that the drawing back in so good a Cause, should not be charged on their slackness ; and thereupon drew up this following Declaration, with an universal consent.

A.D. 1621.

The Com-
m n- Decla-
ration touch-
ing the P. and
c. etc.

A
The Commons assembled in Parliament taking into most serious consideration the present state of the King's Children abroad, and the generally afflicted estate of the true Professors of the same Christian Religion, professed by the Church of England, in foreign parts; and being touched with a true sense and fellow-feeling of their distresses, as Members of the same Body, do, with unanimous consent, in the name of themselves, and the whole Body of the Kingdom (whom they represent) declare unto His most excellent Majesty, and to the whole World, their hearty grief and sorrow for the same; and do not only joyn with them in their humble and devout prayers unto Almighty God, to protect his true Church, and to avert the dangers now threatened, but also with one heart and voice do solemnly protest, That if His Majesties pious endeavours by Treaty, to procure their peace and safety, shall not take that good effect which is desired in Treaty; (wherefore they humbly beseech His Majesty not to suffer any longer delay) That then upon signification of His Majesties pleasure in Parliament, they shall be ready, to the utmost of their powers, both with their Lives and Fortunes, to assist him so, as by the Divine help of Almighty God, (which is never wanting unto those who, in his fear, shall undertake the defence of his own Cause) he may be able to do that with his Sword, which by a peaceable course shall not be effected.

The King, by
Proclamation,
reforms the
late grievances
handled in
Parliament.

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After the recess of Parliament, the King, by Proclamation, declared his Grace to his Subjects in matters of publick Grievance: And taking notice, that many great affairs, debated in Parliament, could not be brought to perfection in so short a time, and that the Commons thought it convenient to continue the same Session in course of Adjournment; and with all observing, that divers of those particulars required a speedy determination and settlement for his Peoples good, and that they are of that condition and quality, as that he needeth not the assistance of Parliament to reform the same, and would have reformed them before the Parliament, if the true state of his Subjects Grievances had been made known unto him; He hath determined, and doth declare an immediate redress therein, by his own Regal Authority, as in the business of Informers, of Miscarriages of Ministers in Chancery, of the Patents for Gold and Silver-Thred, for Licensing Pedlars and Petty-Chapmen, for the sole Dressing of Arms, for the Exportation of Lists and Shreds, and for the sole making of Tobacco-pipes, Cards, and the like. And besides the redress of these Grievances, he will enlarge his Grace unto other kinds for the Subjects ease: And that both his own, and the ears of his Privy-Council shall be open to his Peoples modest and just complaints.

Puts forth an-
other Procla-
mation against
talking of
State-affairs.

F
Moreover, a second Proclamation was issued forth against excess of licentious speech touching State-affairs: For, notwithstanding the strictness of the Kings former Command, the Peoples inordinate liberty of unreverend speech increased daily. Wherefore the King threatned severity, as well against the Concealers of such Discourses, as against the boldnes of audacious Tongues and Pens.

The King is
solicited from
Spain to en-
large his fa-
vours towards
Catholicks.

On the Tenth of July, John Williams, Doctor of Divinity, and Dean of Westminster, was sworn Keeper of the Great Seal of England.

The King was plied from Spain and Rome, to enlarge his favours to Popish Recusants: For, reports were then brought to Rome, That the Catholicks of England, Scotland, and Ireland were cruelly used. And besides

19 Jacobi.

sides this, there went a rumor, that King James in a Speech in Parliament had declared, That notwithstanding the Marriage with Spain, the English Catholicks should not be one jot in better condition. But the King said no more than this, "That if any of that party did grow insolent, let his People count him unworthy to reign, if he gave not extraordinary punishment. Thus was the King intangled in the ways which he had chosen: For it was not possible for him at once to please his People, and to satisfie his Foreign Interests.

A About the same time the Lord Digby, who was sent Ambassador to the Emperor, had Audience at Vienna. The principal Heads of his Embassie were these, *That the Elector Palatine, and the Children of the King of Great Britain his Master, might be received into the Emperor's favour, and restored to all their Hereditary Goods, and the Prince Elector himself to the Title which he enjoyed before the troubles of Bohemia: That the Ban Imperial published against him, should be revoked, and the execution thereof suspended; which being done, the King of Great Britain will undertake, that the Palatine shall render an obedience to his Imperial Majesty, and submit to Conditions meet and honest.*

B To these Demands he received Answer, "That the Emperor had a very good will to gratifie the King of Great Britain, and those other Kings and Princes that had made the same request for the Palatine: but he could not grant it, because the Palatine to this hour useth the Counsels of many of the Electors and Princes, in opposition to the Emperor: And when the Emperor had agreed to a Cessation of Arms, according to the desires of the King of Great Britain, and had ordered the suspending all Hostility in the Lower Palatinate, at the same time the Palatine gave Commission to raise Forces, and do acts of Hostility, which was put in execution by Count Mansfeld and Marquis Jagerndorf, to begin new troubles in Bohemia, Silesia, and Moravia. Nevertheless the Emperor, having appointed an Assembly to meet at Ratisbone, will there make known the desires of the King of Great Britain, who shall know what Resolution is there taken concerning the Palatine.

C Albert Archduke of Flanders, at the request of King James, had made intercession for the Palgrave. After his decease, the Archduchess his Wife continued the same mediation by Letters to the Emperor. And withall, the Kings Ambassador further proposed these Conditions for a Cessation of Arms, and a Suspension of the Ban Imperial; That Mansfeld and Jagerndorf shall observe the Agreement; otherwise, the Prince Palatine shall revoke their Commissions, and declare them his Enemies;

D And that their Garrisons in Bohemia shall be rendred to the Emperor.

E The Emperor answered the Archduchess, That the Archduke her Husband, in his life-time, had exceedingly recommended the Interposition of the King of Great Britain, and the great prudence of that King in not approving the Actions of the Palatine: Which Recommendation, as to a Treaty and Cessation of Arms, he shall entertain, and consult thereupon with the Deputies of the Electors and Princes of the Empire.

F The English Ambassador departed from Vienna to the Duke of Bavaria, who had then entred the Upper Palatinate, and had published the Emperors Declaration against Mansfeld and his Adherents, and exhorted the States and Princes there to execute the same; and the rather, for that he had not heard of any King, Elector, Prince, or State; no, not so much as the King of Great Britain, that had approved the seditious Revolt of the Bohemians, except some few States and Princes, who for interest

The chief Heads of the Lord Digby's Embassie to the Emperor.

The Emperors Reply to those Demands.

The Lord Digby's second Proposal to the Emperor.

The Emperors Answer.

The English Ambassador goes to the Duke of Bavaria.

An. 1621.

interest did countenance the same. The Ambassador found the *Bavarian* acting hostility, and committing great spoils in the Country, and resolving to reject all propositions of Peace or Cessation. Nor could the Emperor agree upon any Truce without the Duke of *Bavaria*: First, in respect of his agreement, neither to make War or Peace, without the consent of the said Duke; which hapned, because upon the former Truce made with the Archduke, the Souldiers that were in the *Lower Palatinate*, and wanted employment, came up into the *Higher Palatinate* to Count *Mansfeld*, and much infested the Duke of *Bavaria*. Secondly, In regard the Duke of *Bavaria* had a great part of *Austria* in pledge for his satisfaction. Thirdly, Because the Emperor was barred from all other passages, but through *Bavaria*, by *Bethlem Gabor*, *Jagerndorf*, and *Budiani*. And the Duke, upon receipt of the Emperors Letter touching the Truce, sent the Lord *Digby* a deriding answer, *That there was no need to labour for a Truce, for the Wars were at an end, in that he had agreed with Count Mansfeld; nor did he doubt of keeping both Palatinates in peace, till the Emperor and Palgrave were agreed.* So the King received but a slender return of the Lord *Digby*'s Embassie to the Emperor, for the restoring the Elector *Palatine*. But the Emperors full meaning in this busines may be found at large in his own Letter to *Don Baltazar de Zuniga*, a prime Counsellor of State in *Spain*, to be by him represented to the King his Master, to this effect.

The Emperors Letter to
Don Baltazar
de Zuniga.

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THAT beholding the admirable Providence of God over him, he is bound to use that most notable Victory to the honour of God, and the extirpation of all Seditions and Factions, which are nourished chiefly among the Calvinists; lest that judgment which the Prophet threatened the King of Israel should fall upon him, Because thou hast dismissed a man worthy of death, thy Soul shall be for his Soul. The Palatine keeps now in Holland, not onely exiled from the Kingdom which he rashly attempted, but despoiled almost of all his own Territories, expecting, as it were, the last eift of Fortune: whom if by an impious kind of commiseration, and his subtle Petitioning, he shall be perswaded to restore, and nourish in his bosom as a troden half-living Snake, what can he expect less than a deadly sting from him, who, in regard of his guilt, can never be faithful, but will alway gape for occasions to free himself from his fears, and the genius of whose Sect will make him an Enemy, or an unsound Friend, to the House of Austria, and all other Catholick Princes?

Wherefore firmly casting in his mind, that the Palatine cannot be restored, he hath freely offered the Electorate to the Duke of *Bavaria*, a most eager Defender of the Catholick Cause; by which means the Empire will always remain in the hand of Catholicks, and so by consequence in the House of *Austria*. And in so doing, he shall take away all hope from the Palatine, and those that sollicite so importunately for his restitution. And it is to be hoped, that the Lutheran Princes, especially the Duke of *Saxony*, will not so far disallow this Translation, as to take up Arms, seeing Charles the Fifth, upon a far lighter cause, deprived John Frederick Duke of *Saxony* of the Electorate, and conferred it on Maurice, this Dukes Great Uncle. Besides, no less is the Lutherans hatred of the Calvinists, than of the Catholicks.

Such were the effects which the King's treating had wrought with the Emperor.

The Parliament that was to meet November the Fourteenth, the King, by Proclamation, adjourned to the Eighth of February, and expressed the cause to be the unseasonableness of the time of the Year. But this long

long *Recess* was shortned, and the King declared, That upon important Reasons he had altered his former Resolutions, and did adjourn it for no longer time, than from the Fourteenth to the Twentieth of this instant November.

Upon which day it re-assembled, and the King being absent, by reason of his indisposition in health, commanded a Message to be delivered to both Houses, by the Lord Keeper, the Lord *Digby*, and the Lord

A Treasurer.

The Parlia-
ment begins
aga..., No. 20.

In the first place he acquainted the Two Houses with his Majestie's indisposition of health, which was the occasion of his absence at the opening of the Parliament; yet he could not say he was absent, so long as he was represented by a Son, who was as dear to the Kingdom as to his Majesty. As to the occasion of calling the Parliament by way of

B Antecedent, he took notice of several effects of his Majesties gracious care over the Nation, since the last *Recess* of the Parliament, in his Majesties answering several Petitions concerning Trade, Importation of Bullion, Conservation of Coyn in the Land, and prohibiting the Transportation of Iron Ordnance; and that His Majesty by his Proclamation reformed Thirty six or Thirty seven several matters, complained of as publick Grievances, all of them without the least Trucking or Merchandising with the People, a thing usual in former times.

C He further said, That his Majesty did principally fix the occasion of the calling a Parliament upon the Declaration recorded, and divulged far and near by the Representative Commonalty of this Kingdom to assist his Majesty to carry on the War to recover the *Palatinate*; yet withall, his Lordship gave an account, how his Majesty, since the last Parliament, encouraged to travel a little longer in his pious endeavours to procure a Peace by way of Treaty, and that the Lord *Digby* was sent Ambassador upon that occasion, and since returned, but not with such success as was to be hoped for. He minded both Houses of one Heroical

D Act of his Majesties, since the last Parliament, in the advancement of Forty thousand pounds, to keep together a Body of an Army in the Lower *Palatinate*, which otherwise had been dissolved before this Parliament could be assembled: And that unless the Parliament take further resolution, and imitate rather ancient than Modern principles, and be expeditious in what they do, the Army in the *Palatinate* will fall to the ground. And lastly, told them, That his Majesty did resolve, that this Parliament should continue till seven or eight days before the Festivals,

E and to be renewed again the eighth of February, to continue for the Enacting of Laws, and perioding things of Reformation, as long as the necessity of the State shall require the same.

Lord *Digby's*
Speech.

F After the Lord Keeper had done, the Lord *Digby* (having received a command from his Majesty to that purpose) gave a brief account of his Negotiation with the Archduke about the Treaty of Peace; how the Archduke consented therunto, and writ accordingly to the Emperor and the King of Spain of his Proceedings; who also writ to *Spinola* for a Cessation of Arms, the Archduke having the command of the Spanish Forces in Germany; but the Duke of Bavaria would not consent thereunto. And the Lord *Digby* informed the Two Houses, that by the carriage of the Duke of Bavaria, and by other circumstances, he did evidently discover, That from the beginning that Duke affected to get unto himself the *Palatinate*, and the Title of Elector. He further declared, That if

Count

The substance
of the Lord
Keeper's
Speech.

An. 1621.

Lord Treasurer's Speech.

Count Mansfeld was not speedily supplied, he could not keep his Army together. Then he gave an account how bravely Sir Horatio Vere had behaved himself in the Palatinate, and that, by his wisdom and valour, there was kept from the Enemy Heidelberg, Mainheim, and Frankendale; the last of which places had then endured a months Seige. He also spoke honourably of Captain Burroughs, and concluded, That the fittest redress was, to furnish and keep up the Army already there; which must be done by supplies of Money, and more Forces must be prepared against the next Spring, that we may have there an Army of our own, for the strengthening of the Palatinate, and encouragement of the Princes of the Union.

Then the Lord Treasurer spake, and acquainted both Houses; How empty the Kings Coffers were, and how he had assisted the Palatine, and Princes of the Union, with great sums, which had exhausted his Treasure, and that his Majesty was much in debt.

Nevertheless, though the King declared for War, he pursued Peace, and resolved to close with Spain, hoping to heal the Breach by that Alliance. The House of Commons, before they granted Subsidies, resolved to try the King's Spirit by this Petition and Remonstrance, which laid open the distempers of those times, with their Causes and Cures.

Most Gracious and Dread Sovereign,

The Commons Petition and Remonstrance to the King.

WE Your Majesties most Humble and Loyal Subjects, the Knights, Citizens, and Burgesses, now assembled in Parliament, who represent the Commons of Your Realm, full of hearty sorrow, to be deprived of the comfort of your Royal Presence the rather, for that it proceeds from the want of Your health, wherein we all unfeignedly do suffer: In all humble manner calling to mind Your Gracious Answer to our former Petition concerning Religion, which, notwithstanding Your Majesties Pious & Princely Intentions, hath not produced that good effect, which the danger of these times doth seem to us to require: And finding how ill Your Majesties goodness hath been requited by Princes of different Religion, who even in time of Treaty, have taken opportunity to advance their own ends, tending to the subversion of Religion, and disadvantage of Your affairs, and the estate of Your Children: By reason whereof, Your ill affected Subjects at home, the Popish Recusants have taken too much encouragement, and are dangerously increased in their number, and in their insolencies. We cannot but be sensible thereof, and therefore humbly represent what we conceive to be the causes of so great and growing mischiefs, and what be the Remedies.

I. The Vigilancy and Ambition of the Pope of Rome, and his dearest Son, the one aiming at as large a Temporal Monarchy, as the other at a Spiritual Supremacy.

II. The Devilish Positions and Doctrines, whereon Popery is built, and taught with Authority to their followers, for advancement of their Temporal ends.

III. The distressed and miserable estate of the Professors of true Religion in Foreign parts.

IV. The disastrous accidents to Your Majesties Children abroad, expressed with rejoicing, and even with contempt of their Persons.

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V. The strange Confederacy of the Princes of the Popish Religion, aiming mainly at the advancement of theirs, and subverting of ours, and taking the advantages conduced to that end upon all occasions.

VI. The great and many Armies raised, and maintained at the charge of the King of Spain, the Chief of that League.

A VII. The expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great hopes of the consequences thereof.

VIII. The interposing of Foreign Princes and their Agents, in the behalf of Popish Recusants, for connivance and favour unto them.

IX. Their open and usual resort to the Houses, and, which is worse, to the Chappels of Foreign Ambassadors.

B X. Their more than usual concourse to the City, and their frequent Conventicles and conferences there.

XI. The education of their Children in many several Seminaries and Houses of their Religion in Foreign parts, appropriated to the English fugitives.

C XII. The Grants of their just Forfeitures intended by your Majesty, as a Reward of Service to the Grantees; but beyond your Majesty's intention, transferred or compounded for, at such mean rates, as will amount to little less than a Toleration.

XIII. The Lentious Printing and dispersing of Popish and Seditious Books, even in the time of Parliament.

D XIV. The swarms of Priests and Jesuites, the common Incendiaries of all Christendom, dispersed in all parts of your Kingdom.

And from these Causes, as bitter Roots, we humbly offer to your Majesty, That we foresee and fear there will necessarily follow very dangerous effects both to Church and State. For,

D I. The Popish Religion is incompatible with ours, in respect of their Positions.

II. It draweth with it an unavoidable dependency on Foreign Princes.

III. It openeth too wide a gap for Popularity, to any who shall draw too great a party.

E IV. It hath a restless spirit, and will strive by these gradations; if it once get but a Connivancy, it will press for a Toleration; if that should be obtained, they must have an Equality; from thence they will aspire to Superiority, and will never rest till they get a Subversion of the true Religion.

The Remedies against these growing Evils, which in all humility, we offer unto your most Excellent Majesty, are these.

F I. That seeing this inevitable necessity is fallen upon your Majesty, which no wisdom or providence of a peaceable and pious King can avoid, your Majesty would not omit this just occasion, speedily and effectually to take your Sword into your hand.

II. That once undertaken upon so honourable and just grounds, your Majesty would resolve to pursue, and more publickly avow the aiding of those of our Religion in Foreign parts, which doubtless would reunite the Princes and States of the Union, by these disasters disheartned and disbanded.

III. That your Majesty would propose to your self to manage this War with the best advantage, by a diversion or otherwise, as in your deep judgment shall be found fittest, and not to rest upon a War in these parts only, which will consume your Treasure, and discourage your People.

IV. That the bent of this War, and point of your Sword, may be against that Prince (whatsoever opinion of Potency he hath) whose Armies and Treasures have first diverted, and since maintained the War in the Palatinate. A

V. That for securing of our Peace at home, your Majesty would be pleased to review the parts of our Petition, formerly delivered unto your Majesty, and hereunto annexed, and to put in execution, by the care of choice Commissioners to be thercunto especially appointed, the Laws already, and hereafter to be made for preventing of dangers by Popish Recusants, and their wonted evasions.

VI. That to frustrate their hopes for a future Age, our most Noble Prince may be timely and happily married to one of our own Religion. B

VII. That the Children of the Nobility and Gentry of this Kingdom, and of others ill affected and suspected in their Religion, now beyond the Seas, may be forthwith called home by your means, and at the charge of their Parents or Governours.

VIII. That the Children of Popish Recusants, or such whose Wives are Popish Recusants, be brought up, during their Minority, with Protestant School-masters and Teachers, who may sow in their tender years, the seeds of true Religion. C

IX. That your Majesty will be pleased speedily to revoke all former Licences for such Children and Youth to travail beyond the Seas, & not grant any such Licence hereafter.

X. That your Maj:sty's Learned Council may receive commandment from your Highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by Law they can ; and that your Majesty will stay your Hand from passing any such Grants hereafter. D

This is the sum and effect of our humble Declaration, which we (no ways intending to press upon your Majesty's undoubted and Regal Prerogative do with the fulness of our Duty and Obedience, humbly submit to your most Princely consideration : The glory of God, whose cause it is ; the zeal of our true Religion, in which we have been born, and wherein (by God's grace) we are resolved to die ; the safety of your Majesty's Person, who is the very life of your people ; the happiness of your Children and Posterity ; the honour and god of the Church & State, dearer unto us than our own lives, having kindled these affections truly devoted to your Majesty. E

And seeing out of our duty to your Majesty, we have already resolved to give, at the end of this Session, one entire Subsidy, for the present relief of the Palatinate only, to be paid in the end of February next, which cannot well be effected but by passing a Bill in Parliamentary course before Christmas ; we most humbly beseech your Majesty (as our assured hope is) that you will then also vouchsafe to give leave, by your Royal Assent, to such Bills, as before that time shall be prepared for your Majesty's honour, and the general good of your people : And that such Bills may be also accompanied (as hath been accustomed F

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accustomed with your Maj:ties gracious Pardon which proceeding from your own mere Grace, may by your Highness direction, be drawn to that latitude and extent, as may best sort with your Majesties bounty and goodness. And that not onely Felons and Criminal Offenders may take benefit thereof, but that your good Subjects may receive ease thereby. And if it shall so stand with your good pleasure, That it may extend to the relief of the old Debts and Duties to the Crown before the first year of your Maj:ties Reign, to the discharge of Alienations without Licence, and mis-using of Liberties, and Oustre le main, before the first Summons of this Parliament, and of concealed Warships, and not suing of Liberties, and Oustre le Maines, before the Twelfth year of your Majesties Reign, which gracious favour would much comfort your good Subjects, and ease them from vexation, with little loss or prejudice to your own profit.

B

And we, by our daily & devout Prayers to the Almighty, the Great King of Kings, shall contend for a blessing upon our endeavours; and for your Majesties long and happy Reign over us; and for your Childrens Children after you, for many and many Generations.

C

The House had sufficient cause to set forth the danger of true Religion, and the miseries of the Professors thereof in Foreign parts; when besides the great wound made in Germany, and the cruelties of the prevailing House of Austria, the Protestants in France were almost ruined by Lewis the Thirteenth, being besieged at once in several places, as in Montauban, by the King, and in Rochel by Count Soysons, and the Duke of Guise. And for their relief, the King of England prevailed nothing, by sending of Sir Edward Herbert, since Baron of Cherbury, and after him the Viscount Doncaster, Ambassador for Mediation.

D

The King having intelligence of the former Remonstrance, wrote this Letter to the Speaker.

At this time
the Protestants
are ill treated
in France.

To Our Trusty and Well-beloved Sir Thomas Richardson Knight, Speaker of the House of COMMONS.

E

Mr. Speaker,

We have heard, by divers reports, to our great grief, that our distance from the Houses of Parliament, caused by our indisposition of health, hath emboldened some fiery and popular Spirits of some of the House of Commons, to argue and debate publickly of the matters far above their reach and capacity, tending to our high dishonour, and breach of Prerogative Royal. These are therefore to command you, to make known, in our Name, unto the House, That none therein shall presume henceforth to meddle with any thing concerning our Government, or deep matters of State, and namely not to deal with our dearest Sons Match with the Daughter of Spain, nor to touch the honour of that King, or any other our friends and Confederates: and also not to meddle with any man's particulars, which have their due motion in our ordinary Courts of Justice. And whereas we hear, they have sent a Message to Sir Edward Sandys, to know the reasons of his late restraint, you shall in our

The King's
Letter to Sir
Thomas Rich-
ardson.

An. 1621.

Name resolve them, that it was not for any misdemeanor of his in Parliament, but to put them out of doubt of any question of that nature that may arise among them hereafter, you shall resolve them in our name, That we think our self very free and able to punish any man's misdemeanours in Parliament, as well during their sitting, as after: Which we mean not to spare hereafter, upon any occasion of any man's insolent behaviour there that shall be ministred unto us: And if they have already touched any of these points, which we have forbidden, in A any Petition of theirs, which is to be sent unto us, it is our pleasure that you shall tell them, That except they reform it before it come to our hands, we will not deign the hearing, nor answering of it.

Dated at New-Market, 3. Dec. 1621.

Hereupon they drew up another Petition, which they sent accompanied with the former Remonstrance.

B

Most Dread and Gracious Sovereign,

The Commons
send the Re-
monstrance,
accompanied
with another
Petition.

We your most humble and loyal Subjects, the Knights, Citizens and Burgesses, assembled in the Commons House of Parliament, full of grief, and unspeakable sorrow, through the true sense of your Majestie's displeasure, expressed by your Letter lately sent to our Speaker, and by him related and read unto us: Yet comforted again with the assurance of your grace and goodness, and of the sincerity of our own intentions and proceedings, whereon with confidence we can rely, in all humbleness beseech your most excellent Majestie, that the loyalty and dutifulness of as faithful and loving Subjects as ever served, or lived under a gracious Sovereign, may not undeservedly suffer by the mis-information of partial and uncertain Reports, which are ever unfaithfull Intelligencers: But that your Majestie would, in the clearness of your own Judgment, first vouchsafe to understand from our selves, and not from others, what our humble Declaration and Petition (resolved upon by the universal voice of the House, and proposed with your gracious favour to be presented unto your Sacred Majestie) doth contain. Upon what occasion we entred into consideration of those things which are therein contained, with what dutiful respect to your Majestie, and your service, we did consider thereof, and what was our true intention thereby. And that when your Majestie shall thereby truly discern our dutiful affections, you will, in your Royal Judgment, free us from those heavy charges, wherewith some of our Members are burthen'd, and wherein the whole House is involved.

C

And we humbly beseech your Majestie, that you would not hereafter give credit to private Reports, against all or any of the Members of our House, whom the whole have not censured, until your Majestie have been truly informed thereof from our selves: And that in the meantime, and ever, we may stand upright in your Majesties grace and good opinion, then which, no worldly consideration is, or can be dearer unto us.

D

When your Majestie had reassembled us in Parliament by your Royal Commandment, sooner than we expected, and did vouchsafe, by the mouthz of three honourable Lords, to impart unto us the weighty occasions moving your Majestie thereunto; and from them we did understand these particulars.

That

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That notwithstanding your Princely & Pious endeavours to procure peace, the time is now come, that Janus Temple must be opened.

That the voice of Bellona must be heard, and not the voice of the Turtle.

That there was no hope of peace, nor any truce to be obtained, no not for a few days.

A That your Majestie must either abandon your own Children, or engage your self in a War, wherein consideration is to be had, what foot, what Horse, what Money will be sufficient.

That the lower Palatinate was seized upon by the Army of the King of Spain, as Executor of the Ban there in quality of Duke of Burgundy, as the Upper Palatinate was by the Duke of Bavaria.

B That the King of Spain, at his own charge, had now at least Five Armies on foot.

B That the Princes of the Union were disbanded, but the Catholick League remained firm, whereby those Princes so dislevered, were in danger, one by one, to be ruined.

C That the estate of those of the Religion in forreign parts was miserable ; and, that out of these considerations we were called to a War, and forthwith to advise for a supply for keeping the forces in the Palatinate from disbanding, and to foresee the means for raising and maintaining the Body of an Army, for the War, against the Spⁱng.

We therefore, out of our zeal to your Majestie and your Posterity, with more alacrity & celerity than ever was presidened in Parliament, did address our selves to the service commended unto us. And although we cannot conceive, that the honour and safety of your Majestie and your Posterity, the patrimony of your Children invaded, and possessed by their enemies, the welfare of Religion, and state of your Kingdom, are matters at any time unfit for our deepest consideration in time of Parliament : And although before this time we were in some of these points silent, yet being now invited thereunto, and led on by so just an occasion, we thought it our duties to provide for the present iupply thereof, & not onely to turn our eyes on a War abroad, but to take care for the securing of our peace at home, which the dangerous increase & insolency of Popish Recusants apparently, visibly, and sensibly did lead us unto.

D The consideration whereof did necessarily draw us truly to represent unto your Majestie, what we conceive to be the causes, what we feared would be the effects, and what we hoped might be the remedies of these growing evils ; among which, as incident and unavoidable, we fell upon some things, which seem to touch upon the King of Spain, as they have relation to Popish Recusants at home, to the Wars by him maintained in the Palatinate against your Majestie's Children, and to his several Armies now on foot ; yet, as we conceived, without touch of dishonour to that King, or any other Prince your Majesties Confederate.

E In the discourse whereof, we did not assume to our selves any power to determine of any part thereof, nor intend to incroach or intrude upon the Sacred Bounds of your Royal Authority, to whom, and to whom onely, we acknowledge it doth belong to resolve of Peace and War, and of the Marriage of the most Noble Prince your Son : But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom (who have a large interest in the happy and prosperous estate of your Majestie, and your Royal

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Royal Posterity, and of the flourishing estate of our Church and Commonwealth, did resolve, out of our cares and fears, truly and plainly to demonstrate these things to your Maj:sty, which we were not assured could otherwise come so fully and clearly to your knowledge; and that being done, to lay the same down at your Majesties feet, without expectation of any other Answer of your Majesty, touching these higher points, than what at your good pleasure, and in your own time should be held fit.

This being the effect of that we had formerly resolved upon, & these the Occasions & Reasons inducing the same, our humble suit to your Majesty, and confidence is, That your Maj:sty will be graciously pleased to receive, at the hands of these our Messengers, our former humble Declaration and Petition, and vouchsafe to read, and favourably to interpret the same; and that to so much thereof as containeth our humble Petition concerning Jesuits, Priests, and Popish Recusants, the Passage of Bills, and granting your Royal Pardon, you will vouchsafe an Answer unto us.

And whereas your Majesty, by the general words of your Letter, seemeth to restrain us from intermeddling with matters of Government, or Particulars which have their motion in the Courts of Justice, the generality of which words, in the largeness of the extent thereof, (as we hope beyond your Majesties intention) might involve those things, which are the proper subjects of Parliamentary occasions and discourse.

And whereas your Majesty doth seem to abridge us of the antient Liberty of Parliament for freedom of Speech, Jurisdiction, and Just Censure of the House, and other proceedings there wherin, we trust in God, we shall never transgress the bounds of Loyal and Dutiful Subjects) a Liberty which we assure our selves, so Wise and so Just a King will not infringe, the same being our ancient and undoubted Right, and an Inheritance received from our Ancestors; without which, we cannot freely debate, nor clearly discern of things in question before us, nor truly inform your Maj:sty: In which we have been confirmed by your Majestie's most gracious former Speeches & Messages. We are therefore now againe inforced in all humbleness to pray your Maj:sty to allow the same, and thereby to take away the Doubts and Scruples, your Maj:sties late Letter to our Speaker hath wrought upon us.

So shall we your loyal & loving Subjects ever acknowledge your Majesties Justice, Grace and Goodness, and be ready to perform that service to your Majesty, which in the true affection of our hearts we profess, and pour out our daily and devout Prayers to the Almighty for your Majesties long Life, happy and religious Reign, and prosperous Estate, and for your Royal Posterity after you for ever.

The King having rejected the first Petition, gave to the latter this Answer following.

The King's Answer to the latter Petition.

“**W**E must here begin in the same fashion that we would have done, if the first Petition had come to our hands before we had made a stay thereof, which is to repeat the first words of “the late Queen of famous memory, used by her, in an Answer to an in-

“solent

"solent propositio[n] made by a *Poleman* Ambassador unto her ; that is,
 "Legatum expectamus, Herilium accipimus. For we had great reason
 "to expect, that the first Message from your House should have been a
 "Message of Thanksgiving for our continued gracious behaviour to-
 "wards our People, since your last Recels, not onely by our Procla-
 "mation of Grace, wherein were contained six or seven and thirty Arti-
 "cles, all of several points of Grace to the people, but also by the labour

- A "we took for the satisfaction of both Houses, in those three Articles re-
 "commended unto us in both their names, by the Right Reverend Fa-
 "ther in God, the Archibishop of *Canterbury* ; and likewise for the good
 "Government of *Ireland*, we are now in hand with, at your request : But
 "not onely have we heard no news of all this, but contrary, great com-
 "plaints of the danger of Religion within this Kingdom, tacitly implying
 "our ill Government in this point. And we leave you to judge whe-
 "ther it be your duties, that are the Representative Body of our People,
 B "so to distaste them with our Government ; whereas by the contrary
 "it is your duty, with all your endeavours, to kindle more and more a
 "dutiful and thankful love in the peoples hearts towards us, for our just
 "and gracious Government.

- C "Now whereas, in the very beginning of this your Apology, you tax
 "us in fair terms of fruiting uncertain Reports, and partial Informations
 "concerning your proceedings, we wish you to remember, that we are
 "an old and experienc'd King, needing no such Lessons, being in our Con-
 "science freest of any King alive, from hearing or trusting idle Reports,
 "which somany of your House, as are nearest us, can bear witness unto
 "you, if you would give as good ear to them, as you do to some Tri-
 "bunitial Orators among you : And, for proof in this particular, we have
 "made your own Messengers confer your other Petitions sent by you,
 "with the Copy thereof, which was sent us before : Between which, there
 "is no difference at all ; but that since our receiving the first Copy, you
 "added a conclusion unto it, which could not come to our hands, till it
 D "was done by you, and your Messengers sent, which was all at one time.
 "And if we had had no Copy of it before-hand, we must have received
 "your first Petition to our great dishonour, before we had known what
 "it contained, which would have inforced us to return you a far worse
 "Answer than now we do ; for then your Messengers had returned with
 "nothing, but that we have judged your Petition unlawful, and unwor-
 "thy of an Answer : For, as to your Conclusion thereof, it is nothing but
 E "Protestatio contraria factio ; for, in the Body of your Petition, you usurp
 "upon our Prerogative Royal, and meddle with things far above your
 "reach, and then in the conclusion you protest the contrary ; as if a
 "Robber would take a man's Purse, and then protest he meant not to rob
 "him. For, first, you presume to give us your advice concerning the
 "Match of our dearest Son with some Protestant (we cannot say Prin-
 "cess, for we know none of these fit for him) and dissuade us from his
 "Match with *Spain*, urging us to a present War with that King ; and
 "yet in the conclusion, forsooth, ye protest ye intend not to pres[s] upon
 "our most undoubted and Regal Prerogative ; as if the petitioning of
 F "us in matters, that your selves confess ye ought not to meddle with, were
 "not a meddling with them.

"And whereas ye pretend, That ye were invited to this course by
 "the Speeches of three honourable Lords ; yet by so much as your selves
 "repeat of the Speeches, nothing can be concluded, but that we
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"were resolved by War to regain the *Palatinate*, if otherwise we could
 "not attain unto it. And you were invited to advise forthwith upon a
 "Supply, for keeping the Forces in the *Palatinate* from disbanding, and
 "to foresee the means for the raising, and maintenance of the Body of an
 "Army for that War against the Spring. Now, what inference can be
 "made upon this, that therefore we must presently denounce War against
 "the King of *Spain*, break our dearest Son's Match, and match him to
 "one of our Religion, let the World judge: The difference is no greater
 "than if we would tell a Merchant, that we had great need to borrow
 "Money from him for raising an Army; that thereupon it would follow,
 "that we were bound to follow his advice in the direction of the War,
 "and all things depending thereupon: But yet not contenting your
 "selves with this excuse of yours, which indeed cannot hold water, ye
 "come after to a direct contradiction to the conclusion of your former
 "Petition, saying, That the honour and safety of us and our Posterity,
 "and the Patrimony of our Children, invaded and possessed by their ene-
 "mies, the welfare of Religion, and State of our Kingdom, are matters
 "at any time not unfit for your deepest considerations in Parliament. To
 "this Generality, we answer with the Logicians, That where all things
 "are contained, nothing is omitted. So as this Plenipotency of yours,
 "invests you in all power upon Earth, lacking nothing but the Popes to
 "have the Keys also both of Heaven and Purgatory: And to this vast
 "generality of yours, we can give no other answer; for it will trouble
 "all the best Lawyers in the House, to make a good Commentary upon
 "it: For so did the Puritan Ministers in *Scotland* bring all kind of causes
 "within the compass of their jurisdiction, saying, That it was the Churches
 "office to judge of slander: and there could no kind of crime or fault be
 "committed, but there was a slander in it, either against God, the King,
 "or their Neighbour; and by this means they hooked in to themselves
 "the cognizance of all causes: Or like *Bellarmino*'s distinction of the Pope's
 "power over Kings, in *Ordine ad Spiritualia*, whereby he gives them all
 "Temporal Jurisdiction over them.

"But to give you a direct Answer to the matter of War, for which
 "you are so earnest. We confess, we rather expect you should have
 "given us thanks for the so long maintaining a settled Peace in all our Do-
 "minions, when as all our Neighbours about are in miserable combustion
 "of War; but, *dulce bellum inexpertis*. And we indeed find by experi-
 "ence, that a number of our Subjects are so pamper'd with Peace, as they
 "are desirous of change, though they knew not what.

"It is true, that we have ever professed (and in that mind, with God's
 "grace, we will live and die) that we will labour by all means possible,
 "either by Treaty or by Force, to restore our Children to their ancient
 "Dignity and Inheritance; And whatsoever Christian Princes or Poten-
 "tates will set themselves against it, we will not spare any lawful means to
 "bring our so just and honourable purpose to a good end; neither shall
 "the Match of our Son, or any other worldly respect be preferred to this
 "our resolution. For by our credit and intervention with the King of
 "*Spain*, and the Arch-Dutchess, and her Husband, now with God, we
 "preserved the Lower *Palatinate* one whole year from any further con-
 "quering in it, which in eight days space, in that time, might have easily
 "been swallow'd up by *Spinola*'s Army, without any resistance. And in
 "no better case was it now at our Ambassador the Lord *Digby*'s coming
 "through *Heidelberg*, if he had not extraordinarily succoured it.

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"But because we conceive, that ye couple this War of the *Palatinate* with the cause of Religion, we must a little unfold your eyes herein.

"The beginning of this miserable War, which hath set all Christendom on fire, was not for Religion, but only caused by our Son in Law his hasty and harsh resolution, following evil counsel, to take to himself the Crown of *Bohemia*.

- A "And that this is true, himself wrote Letters unto us at that time, desiring to give assurance both to the *French* King, and State of *Venice*, that his accepting of the Crown of *Bohemia* had no reference to the cause of Religion, but only by reason of his right of Election (as he called it.) And we would be sorry that that aspersion should come upon our Religion, as to make it a good pretext for dethroning of Kings, and usurping their Crowns; And we would be loth that our People here should be taught that strange Doctrine: No, let us not so far wrong the Jesuites, as to rob them of their sweet positions and practice in that very point.

- B "And upon the other part, we assure our self so far of your charitable thoughts of us, that we would never have constantly denied our Son in Law both the Title and assistance in that point, if we had been well perswaded of the justice of his quarrel. But to conclude, This unjust usurpation of the Crowns of *Bohemia* and *Hungaria* from the Emperor, hath given the Pope and all that Party too fair a ground, and opened them too wide a gate for curbing and oppressing of many Thousands of our Religion in divers parts of Christendom.

- C "And whereas you excuse your touching upon the King of *Spain*, upon occasion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honour; we cannot wonder enough that ye are so forgetful both of your words and writs: For in your former Petition ye plainly affirm, That he affects the Temporal Monarchy of the whole Earth; than which, there can be no more malice uttered against any great King, to make all other Princes and Potentates both envy and hate him; but, if ye list, it may easily be tried, whether that speech touched him in honour or not, if ye shall ask him the question, whether he means to assume to himself that Title or no: for every King can best judge of his own honour. We omit the particular ejaculations of some foul-mouthed Orators in your House, against the honour of that King's Crown and State.

- D "And touching your excuse of not determining any thing concerning the Match of our dearest Son, but only to tell your Opinion, and lay it down at our feet: First, We desire to know, how you could have presumed to determine in that point, without committing of High Treason? And next you cannot deny, but your talking of his Match after that manner, was a direct breach of our commandment and declaration out of our own mouth, at the first sitting down of this Parliament, where we plainly professed, that we were in Treaty of this Match with *Spain*; and wished you to have that confidence in our Religion and Wisdom, that we would so manage it, as our Religion should receive no prejudice by it: And the same we now repeat unto you, professing that we

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"are so far engaged in that Match, as we cannot in honour go back, except the King of *Spain* perform not such things as we expect at his hands. And therefore we are sorry that ye should shew to have so great distrust in us, as to conceive that we should be cold in our Religion; otherwise we cannot imagine how our former publick Declaration should not have stopt your Mouths in this point.

"And as to your request, That we would now receive your former Petition; We wonder what could make you presume, that we would receive it, whereas in our former Letter we plainly declared the contrary unto you. And therefore we have justly rejected that suit of yours: For what have you left unattempted in the highest points of Sovereignty, in that Petition of yours, except the striking of Coin? For it contains the violation of Leagues, the particular way how to govern a War, and the Marriage of our dearest Son, both Negative with *Spain*, nay, with any other Popish Princess; and also Affirmatively, as to the Matching with one of our Religion; which we confess is a strain beyond any providence or wisdom God hath given us, as things now stand.

"These are unfit things to be handled in Parliament, except your King should require it of you: For who can have wisdom to judge of things of that nature, but such as are daily acquainted with the particulars of Treaties, and of the variable and fixed connexion of affairs of State, together with the knowledge of the secret ways, ends, and intentions of Princes in their severall Negotiations? Otherwise a small mistaking of matters of this nature, may produce more effects than can be imagined: And therefore, *Ne Sutor ultra crepidam*. And besides, the intermeddling in Parliament with matters of Peace and War, and Marriage of our dearest Son, would be such a diminution to us and our Crown in Foreign Countries, as would make any Prince neglect to treat with us, either in matters of Peace or Marriage, except they might be assured by the assent of Parliament. And so it proved long ago with a King of *France*, who upon a Trick procuring his States to dissent from some Treaty which before he had made, was after refused Treating with any other Princes, to his great reproach, unless he would first procure the assent of his Estates to their Proposition. And will you cast your eyes upon the late times, you shall find, that the late Queen, of famous Memory, was humbly petitioned by a Parliament to be pleased to marry: But her Answer was, That she liked their Petition well, because it was simple, not limiting her to Place or Person, as not belitting her liking to their fancies; and if they had done otherwise, she would have thought it a high presumption in them. Judge then what we may do in such a case, having made our publick Declaration already (as we said before) directly contrary to that which you have now petitioned.

"Now to the points in your Petition, whereof you desire an Answer, as properly belonging to the Parliament; the first and the greatest point is, that of Religion: Concerning which, at this time we can give you no other Answer than in the general; which is, That you may rest secure, that we will never be weary to do all we can for the propagation of our Religion, and repressing of Popery: But the manner and form you must remit to our care and providence, who can best consider of times and seasons, not by undertaking a publick War

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- “of Religion through all the World at once, (which how hard and dangerous a task it may prove, you may judge.) But this puts us in mind, “how all the World complained the last Year of plenty of Corn; and God “sent us a Cooling card this Year for that heat : And so we pray God, “that this desire among you of kindling Wars (shewing your weariness of “peace and plenty) may not make God permit us to fall into the miseries “of Both. But, as we already said, our care of Religion must be such,
- A “as on the one part we must not, by the hot persecution of our Recusants “at home, irritate Forreign Princes of contrary Religion, and teach them “the way to plague the *Protestants* in their Dominions, with whom “we daily intercede, and at this time principally, for ease to them of “our profession that live under them ; yet upon the other part, we “never mean to spare from due and severe punishment any *Papist* “that will grow insolent for living under our so mild Government. And “you may also be assured, we will leave no care untaken, as well for
- B “the good Education of the Youth at home, especially the Children of “*Papists*, as also for preserving at all times hereafter the Youth that are “or shall be abroad, from being bred in dangerous places, and so poison- “ed in Popish Seminaries. And as in this point, namely, the good edu- “cation of Popish Youth at home, we have already given some good “proofs, both in this Kingdom and in *Ireland*; so will we be well pleased “to pass any good Laws that shall be made, either now, or at any time here- “after, to this purpose.
- C “And as to your request of making this a Session, and granting a General “Pardon ; It shall be in your defaults, if we make not this a Session before “Christmas.
- D “But for the Pardon, ye crave such particulars in it, as we must be well “advised upon, lest otherwise we give you back the double or treble of that “we are to receive by your entire Subsidy, without Fifteens. But the or- “dinary course we hold fittest to be used still in this case, is, That we should “of our free Grace send you down a Pardon from the Higher House, con- “taining such points as we shall think fittest, wherein, we hope, ye shall “receive good satisfaction.
- E “But we cannot omit to shew you, how strange we think it, that ye “should make so bad and unjust a Commentary upon some words of our “former Letter, as if we meant to restrain you thereby of your ancient “Priviledges and Liberties in Parliament, Truly a Scholar would be “asham'd so to misplace and misjudge any Sentences in another Man's “Book. For whereas in the end of our former Letter, we discharge you to “meddle with matters of Government, and Mysteries of State, namely, “matters of War or Peace, or our dearest Son's Match with *Spain*; by “which particular denominations we interpret and restrain our former “words : And then after we forbid you to meddle with such things as “have their ordinary course in Courts of Justice : Ye couple together “those two distinct sentences, and plainly leave out those words, *Of My-* “*steries of State* ; so as ye erre, à *bene divisis ad male conjuncta* : For of the “former part, concerning Mysteries of State, we plainly restrain our “meaning to the particulars that were after mentioned ; and in the lat- F “ter, we confess we meant it by Sir *Edward Cook*'s foolish business. And “therefore it had well became him, especially being our Servant, and “one of our Council, to have complained unto us, which he never did, “though he was ordinarily at Court since, and never had access refused “unto him.

" And although we cannot allow of the style, calling it, *Your Ancient and undoubted Right and Inheritance*; but could rather have wished, " that ye had said, That your Priviledges were derived from the grace " and permission of our Ancestors and Us; (for most of them grow from " Precedents, which shews rather a Toleration than Inheritance:) Yet " we are pleased to give you our Royal assurance, that as long as you " contain your selves within the limits of your duty, we will be as care- " ful to maintain and preserve your lawful Liberties and Priviledges, as " ever any of our Predecessors were, nay, as to preserve our own Royal " Prerogative. So as your House shall only have need to beware to trench " upon the Prerogative of the Crown ; which would enforce us, or any " just King, to retrench them of their Priviledges, that would pare his " Prerogative, and Flowers of the Crown : But of this, we hope there " shall never be cause given. Dated at Newmarket the Eleventh day of " December, 1621.

The Lord
Keeper's judg-
ment touching
the King's
sharp Answer.

The Lord Keeper *Williams* advised, That the harshness of this Answer should be mitigated with a Letter from his Majesty to the Houses. For (said he) his Majesty rightly infers, That their Priviledges which they claim to be their Natural Birth-rights, are but the favours of former Kings. Now the King's Assertion and their Claim may easily be reconciled, if Men were peaceably disposed, and affected the dispatch of common business.

These Priviledges were Originally the favour of Princes ; neither doth his Majesty go about to impair or diminish them. Therefore if his Majesty would be pleased to qualify the passage with some mild and noble expression, and require them strictly to prepare things for a Session, and to leave those needless disputes, he shall make it appear to all wise and just Men, that those Persons are opposite to those common ends, whereof they vaunt themselves the only Patrons. Will the King be pleased to add in this Letter, That if they will not prepare Bills for a Session, he will break up the Parliament without any longer Prorogation, acquainting the Kingdom with their undutifulness and obstinacy, and supply the present wants by some other means : Or else will he adjourn the present Assembly to the appointed Eighth of February. This latter course is fitter for further advice ; but the former, to express a just indignation.

The Lord
Digby to the
Peers.

The Lord *Digby* minded the Peers, That this Session was called for the present support of the *Palatinate*, as was declared by the Message from his Majesty to both Houses in the beginning thereof. He reported also, That he had received many great Advertisements of that Countries present distress and danger, by the Duke of *Bavaria*; and that the Army of *Mansfeld*, who came in for defence, if he be not speedily supplied with Moneys, is in a possibility of deserting the service ; for he hath fair offers of making his peace, but nothing will take with him, being in hopes of relief from *England*.

But the Parliament thought it their duty, as well to advise his Majesty, as to supply his wants.

December 19. The Prince delivered to the Clerk the Commission for an Adjournment to the Eighth of February : Which discontented the Commons and good People of *England*, foreseeing a Dissolution by *Gondomar's* means.

Before the Adjournment, in vindication of their Parliamentary Rights and Priviledges, the Commons made and entred this Protestation following.

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The Common-
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A **T**he Commons now assembled in Parliament, being justly occa-
B sioned thereunto, concerning sundry Liberties, Franchises, and
C Privileges of Parliament, amongst others here mentioned, do make
D this Protestation following. That the Liberties, Franchises, Pri-
E vileges, and Jurisdictions of Parliament, are the ancient and undoubt-
F ed Birth-right and Inheritance of the Subjects of England; And that
the arduous and urgent affairs concerning the King, State, and De-
fence of the Realm, and of the Church of England, and the main-
tenance and making of Laws and redress of mischiefs and grievances
which daily happen within this Realm, are proper subjects and mat-
ter of Counsel and debate in Parliament; and that in the handling
and proceeding of those businesses, every Member of the House of Par-
liament hath, and of right, ought to have freedom of speech, to pro-
ound, treat, reason, and bring to conclusion the same; And that the
Commons in Parliament have like liberty and freedom to treat of
these matters in such order, as in their judgments shall seem fittest;
And that every Member of the said House hath like freedom from all
Impeachment, Imprisonment, and Molestation (other than by Cen-
sure of the House it self) for or concerning any speaking, reasoning,
or declaring of any matter or matters touching the Parliament, or
Parliament-business; And that if any of the said Members be com-
plained of, and questioned for any thing done or said in Parliament,
the same is to be shewed to the King by the advice and assent of all the
Commons assembled in Parliament, before the King give credence
to any private Information.

But how the King was moved by the Protestation of the House of Com-
mons, will appear by this Memorial.

Whitehall, Decemb. 30. 1621.

H Is most Excellent Majesty coming this day to the Council, the
Prince His Highness, and all the Lords and others of His Ma-
jesty's Privy Council sitting about him, and all the Judges then in
London, which were six in number, there attending upon His Ma-
jesty; the Clerk of the Commons House of Parliament was called for,
and commanded to produce his Journal-Book, wherein was noted,
and Entries made of most passages that were in the Commons House
of Parliament; and amongst other things there was written down the
form of a Protestation concerning sundry Liberties, Privileges, and
Franchises of Parliament; with which form of Protestation His Ma-
jesty was justly offended. Nevertheless His Majesty, in a most graci-
ous manner, there expressed, That he never meant to deny that House
of Commons any lawful Privileges that ever they had enjoyed; but
whatsoever Privileges or Liberties they had by any Law or Sta-
tute, the same should be inviolably preserved unto them; and whatsoever
Privileges they enjoyed by Custom, or uncontrolled and lawful
president, His Majesty would be careful to preserve. But this Pro-
testation of the Commons House, so contrived and carried as it was,
His Majesty thought fit to be razed out of all Memorials, and utterly
to be annihilated, both in respect of the manner by which it was gain-
ed

ed, and the matter therein contained. For the manner of getting it, first, in respect of the time: For after such time as His Majesty, out of His Princeely grace, and to take away all mistakings, had directed His Letters to Secretary Calvert, dated at Royston, 16 Decembris, and therein had so explained himself in the point of maintaing the Priviledges of the House of Commons, as that most of the said House rested fully satisfied, and freed from any scruple of having their Liberties impeached; And after that, by His Majesty's Letters, directed to the Speaker, dated 18 December, being Tuesday, His Majesty, at the humble suit of the House of Commons, condescended to make this Hearing a Session before Christmas, and for that purpose had assigned Saturday following. Now upon this very Tuesday, and while the Messengers from the House of Commons were with His Majesty at Theobalds, to return thanks unto His Majesty, and therewith an excuse from them not to make it a Session, in respect of the strait of time whereunto they were driven: which deferment His Majesty admitted of at their desires, and thereupon gave order for the Adjournment of the Parliament until the Eighth of February next, which was the first day formerly appointed by His Majesty for the meeting together of the Parliament: And whilst their Messengers were with His Majesty, and had received a gracious Answer to return unto their House; even that afternoon, a Committee was procured to be made for taking their Liberties into consideration: And this afternoon a Protestation was made to whom, appears not concerning their Liberties; and at six a clock at Night, by candle-light, the same Protestation was brought into the House by the Committee, and at that time of Night it was called upon to be put to the Question, there not being the third part of the House then present; whereas in all matters of weight, their usual custom is, to put nothing of importance to the Question, till the House be full: And at this time many of them that were present, expected the Question would have been deferred to another day, and a fuller House; and some then present stood up to have spoken to it, but could not be seen or heard in that darkness and confusion. Now for the matter of the Protestation, it is penned in such ambiguous and general words, as may serve for future times to invade most of Rights and Prerogatives annexed to the Imperial Crown; the claim of some Priviledges being grounded upon the words of the Writ for assembling the Parliament, wherein some words, viz., *Arduis Regni*, are cunningly mentioned; but the word *quibusdam*, which restraineth the generality to such particular Cases, as His Majesty pleaseth to consult with them upon, is purposely omitted.

The King takes the Protrrier out of the Journal-book with his own hand.

These things considered, His Majesty did, this present day, in full assembly of His Council, and in the presence of the Judges, declare the said Protestation to be invalid, annulled, void, and of no effect: And did further, *manu sua propria*, take the said Protestation out of the Journal-Book of the Clerk of the Commons House of Parliament, and commanded an Act of Council to be made thereupon, and this Act to be entred in the Register of Council-causes.

In the mean time the King doth give them

On the Sixth of January, the King, by Proclamation, dissolved the Parliament; shewing, that the assembling, continuing, and dissolving of Parliaments, doth so peculiarly belong unto him, that he needs not give an account thereof unto any: Yet he thought fit to declare, That in this

Dissolu-

19 June.

A

Dissolution, he had the advice and uniform consent of his whole Council. And that some particular Members of the House of Commons took inordinate liberty, not only to treat of his high Prerogatives, and sundry things, not fit to be argued in Parliament, but also to speak with respect to Foreign Princes: That they spent the time in disputing Privileges, decanting upon the words and syllables of his Letters and Messages: And that these evil-tempered Spirits sowed Tares among the Corn, and by their cunning devices have imposed upon him a necessity of discontinuing this present Parliament, without putting unto it the name or period of a Session. And lastly, he declared, That though the Parliament be broken off, yet he intended to govern well, and shall be glad to lay hold on the first occasion to call a Parliament again at convenient time.

B The King was highly displeased with some of the Commons House, whom he called, *Ill-tempered spirits*; Sir Edward Cook, Sir Robert Philips, were committed to the Tower; Mr. Selden, Mr. Pym, Mr. Meller, to other Prisons and Confinements. Order was given for the sealing up the locks and doors of Sir Edward Cook's Chambers in London, and in the Temple, for the sealing of his Papers. And the Council debating about the General Pardon that should have passed this last Parliament, had consulted about the ways of excluding him from that benefit, either by preferring a Bill against him before the publication of the Pardon, or by exempting him by name, whereof, they said, they had presidents.

C Likewise Sir Dudley Digges, Sir Thomas Crew, Sir Nathaniel Rich, and Sir James Perrot, for punishment were sent into Ireland, joyned in Commission with others, under the Great Seal of England, for the enquiry of sundry matters concerning his Majesty's service, as well in the Government Ecclesiastical and Civil, as in point of his Revenue and othewise, within that Kingdom.

D Proclamations had formerly issued out against the peoples too liberal speaking of matters above their reach: Which at this time occasioned Letters from the Council, to the Judges of the next Assizes, taking notice of licentious and undutiful speeches touching State and Government, notwithstanding several Proclamations prohibiting the same, which the King was resolved no longer to let pass without severest punishment; and thereupon required the Judges to give this in charge in their several Circuits, and to do exemplary Justice where they find any such Offenders.

E The King still walked in his beaten path of Solicitations and Treaties, after the constant bad success of his former Mediations: for at the very time when he treated of Peace, his Son in Law was despoiled of his Hereditary Patrimony by the Emperor's commandment; who after the suspension of the Ban, or Proscription, commanded the taking up of Arms again in the Lower Palatinate, the Upper Palatinate being already subdued. Which misery King James acknowledged to be the fruit of his own patience, delays, and doubtfulness. Nevertheless he ceaseth not to pursue the favour of an implacable Enemy. He wrote to the Emperor Ferdinand, declaring his earnest endeavours to appease the Bohemian War, and his ardent zeal for peace from the beginning; and expressed the Terms which he had prescribed to his Son in Law: as, That he shall for himself and his Son renounce all pretence of Right and Claim to the Crown of Bohemia; That he shall from henceforth yield all constant due devotion to the Imperial Majesty, as do other obedient Princes Electors of the Empire;

That

Some eminent
Members of
the Parlia-
ment impris-
oned.Others sent
for punish-
ment into Ire-
land.The Council
write to
Judges con-
cerning such as
speak of State-
affairs.The Palatin:
spoiled of his
Hereditary
Dominions.The Terms
which King
James desires
the Emperor
to accept, in
behalf of the
Palatines.

An. 1621.

That he shall crave pardon of the Imperial Majesty ; That he shall not hereafter, any manner of way, demean himself unfittingly toward the Imperial Majesty , nor disturb his Kingdoms and Countreys ; And that he shall, upon reasonable conditions, reconcile himself to other Princes and States of the Empire, and hold all good correspondence with them ; and he shall really do whatsoever like things shall be judged reasonable and necessary.

King *James* requested of the Emperor the acceptance of these Conditions , as a notable testimony of his Imperial Majesty's goodness and grace, which, he said, should be by himself acknowledged in all willing service, and unfeigned friendship to the Emperor himself, and the most renowned House of *Austria*. But if these his just demands, and well-willed presentations, shall not find acceptance, or be slightly waved by some new tergiversation, or a pretence of that long and tedious way of Consultation with the Princes of the Empire, he is resolved to try his utmost power for his Childrens relief, judging it a foul stain to his Honour, if he shall leave them and their Partizans without counsel, aid and protection.

The Emperor's Answer
to King *James*,
Jan. 14. 1621.

The Emperor replied and confessed, That in this exulcerate Busines, so much moderation, and respect of justice and equity, hath shined forth in the King of *Great Britain*, that there is not any thing that he should refuse to render thereunto, reserving his *Cesarian Authority*, and the Laws of the Empire : Yet that Person whom it most concerns, hath given no occasion, by the least sign of repentance, to a condescension to this Treaty of Pacification ; for he is still so obstinate, as by continual machinations by *Jagerndorf* and *Mansfeld*, and other cruel disturbers of the publick peace, to call up Hell, rather than to acquiesce in better counsels, and desist from the usurped Title of a Kingdom. Howbeit, in favour of the King of *Great Britain*, he shall consent to a Treaty to be held at *Bruxels*, wherein he would devolve his power upon the Illustrious *Elizabetha Clara Eugenia*, Infanta of *Spain*.

The appointment of the Treaty at *Bruxels* was accepted by King *James*, whither he sent his Ambassador Sir *Richard Weston*, Chancellor of the Exchequer. In the mean while, misfortune and misery over-ran the *Palatinate*: The Enemy having prevailed in several grand encounters, proceeded to subdue the Country, without regard to the Treaty of Peace at *Bruxels*. Which was more easily effected, the Commotions in *Hungaria*, *Bohemia*, *Silesia*, *Moravia*, being now ended in a Treaty of Peace between the Emperor and *Bethleem Gabor*, the Emperor having made use of the *Palsgrave*'s submission, and resignation of the Crown of *Bohemia*, to accelerate this Treaty.

About this time *Philip the Third*, King of *Spain*, departed this life ; and the Lord *Digby* was sent Extraordinary Ambassador into *Spain*, as well to condole his Death, as to advance the Match, and by all means possible to bring it to a final conclusion. To which end, he was accompanied with Letters from his Majesty, and the Prince, to that King, as also a private Letter to *Don Baltazar de Zuniga*.

Most

19 Jacobi.

King James,
to Philip the
Fourth of
Spain.

Most Serene and Potent Prince, Kinsman, and dearly beloved Friend; When we heard of the death of your Majesty's Father, Philip the Third, with whom we had great Amity, and, by our Amity, managed very important Matters, which, he being dead, could not but of necessity be interrupted: It was no less grief to us, than if he had been our own natural and most intimate Brother: Which grief we have certified both to your Majesty by our Letters, as was fitting, and intimated to our People in a solemn and due manner. And thus far we have satisfied our selves; but in the next place we must also give Custom its due. For which end we send unto your Majesty our Publick Ambassador and Messenger of this our grief, the Baron John Digby, our Counsellor and Vice-chamberlain, adjoyning unto the rest of his Instructions, this our wish, That your Serenity may rule your Father's Kingdoms, which you have received under a most prosperous Star, with his and our Ancestors Prudence, and that we may really find that love which alway passed between your Father, of most happy memory, and us, propagated with the same candor unto you his Successor, the which we also hope.

Given at our Palace of
Theobald's, Mar.
14. 1621.

Your Majesty's
most loving Brother,

J. R.

C Jacobus, &c. Serenissimo & Potentissimo Principi ac Domino, Philippo Quarto, &c.

James, &c. To the most Serene and most Potent Prince and Lord, Philip the Fourth, &c.

D E F G H I J K L M N O P Q R S T U V W X Y Z
Erenissime & Potentissime P. Frater, Consanguinee & Amice Charissime: Quum aliquot ab hinc annis (pro affinitate nostra arctiori, totiusque orbis Christiani bono) deliberatio suscepta fuerit de Matrimonio inter Charissimum filium nostrum Carolum P. Walliae & Illustrissimam Infantam Dominam Mariam (Serenitatis vestrae sororem natu minorem) contrahendo; quod superstite adhuc R. Philippo Tertio, (felicissima memoria) Patre vestro, eo per gradus develetum erat, ut ille si non expirasset, hoc multo ante hac consummatum iri spes esset: nunc denuo Serenitatem vestram interpellandam duximus, jam tandem ut velit operi bene inchoato fastigium imponere; & expectato deliberationes præteritas exitu coronare. Matura jam filii ætas, filii Unici, rerumque & temporum ratio conjugem videntur efflagitare; nobisque in senectutis limine constitutis

M ost Serene and Potent Prince, Kinsman, and Well-beloved Friend; Forasmuch as some Years ago (for our near Alliance, and the good of the whole Christian World) we had resolved to make a Marriage between our Well-beloved Son, Charles Prince of Wales, and the most Illustrious Infanta, the Lady Mary, your Serenities youngest Sister, which in the life-time of your Father, King Philip the Third, of most happy Memory, was so far advanced, that if he had not died, it had been brought to perfection long ere now: We have therefore thought good, to treat now again with your Serenity, that at length you would put a period to a work so well begun, and crown our by-past Deliberations with an expected issue. The age of our Son arrived now to maturity, and He our onely Son (besides the condition of the times, and our affairs) doth require him to Marry. And we being at the brink of old Age, it would rejoice

King James
his Letter to
the King of
Spain.

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tutis, felicissimus illuceret dies, quo cernere liceret posterorum etiam amicitiam optato hoc affinitatis fœdere constrictam. Misimus itaque ad Serenitatem vestram Legatum nostrum Extraordinarium, Prænobilem virum Johannem Digbeum, Baronem de Sherbone, Consiliarium & Vice-Camerarium nostrum, jam olim de hac affinitate & Domus Austriæ honore bene meritum, cui una cum Legato nostro Ordinario, quicquid reliquum est hujus Negotii, tractandum, transigendum, absolvendumque Commisimus. Quicquid illis illic videbitur ratum hic habituri. Utinam etiam vestræ Serenitatis bonitate levaretur aliquando altera illa nostra de Palatinatu Sollicitudo, de filia & genero & insontibus eorum liberis ex avito jam extorribus Patrimonio. Quam vellemus vestræ Potissimum Serenitati beneficium hoc in solidum debere, cuius tot modo experti sumus ea in re Amicissima Officia! Non nos unquam capiet tantæ benevolentiaz oblivio, Posterisque Hereditarium studebimus relinquere amorem illum, quo vestram Serenitatem & memoriae optimæ Patrem semper sumus amplexi, semper amplexuri. Unum hoc supereft ut si quid aliud in re quacunque proposuerit Legatus hic noster, eam ei fidem adhibere, ac si nos presentes essemus, dignetur Serenitas vestra: Quam Deus Optimus Maximus perpetuo incolumem conservet.

Serenitatis vestre.

Frater amantissimus,

Jacobus R.

Dat. è Regia nostra
Theobald. 14 Die
Martii, An. Dom.
1621.

us to see the day, wherein our Posterities Friendship should be bound up in this most desired Bond of Affinity. We have therefore sent unto your Serenity our Extraordinary Ambassador, the Right Honourable the Lord Digby, Baron of Sherborn, our Counsellor, and Vice-Chamberlain, who has formerly deserved well of this Alliance, and the honour of the House of Austria; unto whom, together with our Ordinary Ambassador, we have entrusted the remainder of this business, to be treated, transacted, and finished, and shall be ready to ratifie and approve here, what ever they shall agree upon. We wish likewise, that your Serenity, out of your goodness, would ease our other care, touching the Palatinate, which concerns our Daughter and Son in Law, and their innocent Children, banished from their Ancestor's Inheritance. How gladly would we owe this good turn solely to your Serenity, who have already done us so many friendly Offices in that business! No Oblivion shall ever blot out of our mind, the acknowledgement of so great a favour; and we will endeavour to transmit to our Posterity, that the Hereditary goodwill wherewith we have ever affected your Serenity, and your Royal Father of most worthy memory, and shall ever affect you. One thing remains, That if this our Ambassador shall propose any other matter touching what business soever, your Serenity will be pleased to give him credence, as if we our self were present. The most gracious and great God ever preserve your Serenity in safety.

Your Serenity's
most loving Brother,

J. R.

Given at our Palace of
Theobalds, 14 March,
1621.

Prince

A

B

C

D

E

F

19 Jacobi.

Prince Charles, to the King of Spain.

Prince Charles
to the King of
Spain.

A **M**ost Serene and Potent Prince, and well-beloved Kinsman, Some Years ago, our most Serene Parents began to treat about a Match between us and the most Serene, our dearly beloved Princess, the Lady Mary, your Majesty's most honoured Sister. The condition and success of which affair and Treaty, our most Serene and honoured Lord and Father, out of his Fatherly affection towards us, was pleased, upon all occasions, so much the more willingly to impart unto us, by how much greater propension and apparent signs of true affection he discovered in us thereunto; for which cause, the Baron Digby, his Majesty's Vice-Chamberlain, and Extraordinary Ambassador, and one of our Privy Chamber, being now bound for Spain, with most ample Instructions to bring unto an happy issue, that which was prosperously begun, and advanced, before your most gracious Father, our Uncle, of happy memory, departed this Life: We thought it no less becoming us, by these our Letters, most affectionately to salute your Majesty; who, if you shall perswade your self, that we highly esteem of your affection, as we ought to do, and that by a most dear bond of affinity, we desire to have it enlarged and confirmed towards us, that very persuasion will not a little add to the measure of our love. It remains, that we intreat your Majesty to give full credit to such further Proposals, as the Baron Digby shall make in our Name. In the meantime, we will hope for such a success of the principal business, as may give us occasion to use a more familiar style hereafter in our Letters, as an argument of a nearer relation; which if it shall happen, this will also follow, That we shall most readily embrace all occasions, whereby to evidence unto your Majesty the progress and increase of our affection, as well towards your self, as your most Serene Sister.

B The most great and good God preserve your Majesty long in safety.

C *Your Majesty's most loving Kinsman,*

D Given at Our Palace
of Saint James,
14 Martii, 1621.

C. P.

E To the Right Honourable, the Lord Balthazar
of Zuniga.

F Right Honourable, and Well-beloved Friend,

Because we have divers times been informed by your Friends, of your singular propension and zeal towards our affairs, we neither will, nor ought to leave you unsaluted at this time, you have so well deserved of us: But it will be no small accession of your good-will, if you continue as you have begun, to promote, by your assistance, our concernments with his Majesty our Well-beloved Brother; which, by what way it may best be done, our Ambassador the Baron John Digby will be able to direct you, to whom we have intrusted the residue of that matter. And if, during his residence there, he may make use of your singular humanity and favour with the King, in his Negotiation, it will be most acceptable to us, and render us, who were, by your deservings, already

King James
his Letter to
the Lord Bal-
thazar of Zu-
niga.

An. 1621.

forward to oblige you, most forward for the future to deserve well of you ; which we shall most willingly testifie, as occasion offers, not only in word, but in deed.

Given at our Palace of
Theobalds, March 14.
1621.

J. R.

A

Sir Walter Aston, the Leiger Ambassador, had managed that Treaty by directions received from Digby ; and now Digby remained at large in it, and had communication of the passages from him. The Spaniards proceed in the Match with a very formal appearance ; for at this very time, the Emperor's Ambassador in Spain had discoursed of a Marriage between his Masters Son and the Infanta ; but was presently answered, That the King's hands were tied by a Treaty on foot with the King of Great Britain ; and in this particular they seemed (as said the English Agent) to deal above-board.

The Privy Council, by the King's command, issue out an Order for raising Money for the defence of the Palatinate.

In the mean time, the Privy Council, by the King's commandment, consulted about the raising of Moneys to defend the Palatinate. They appointed the Keeper of the Records of the Tower, to search for all such Writings as concerned the Levies of Men at the publick charge of the Countrey, from the time of King Edward the Third, until this present.

Likewise they directed Letters, of the tenor following, to the Justices of the Courts at Westminster, and to the Barons of the Exchequer.

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WHAT endeavours his Majesty hath used by Treaty, and by all fair and amiable ways to recover the Patrimony of his Children in Germany, now for the most part with-holden from them by force, is not unknown to all his loving Subjects, since his Majesty was pleased to communicate to them in Parliament his whole proceedings in that busines : Of which Treaty, being of late frustrate, he was inforced to take other resolutions ; namely, to recover that by the Sword, which by other means he saw no likelihood to compass. For which purpose, it was expected by his Majesty, that his People in Parliament would (in a cause so nearly concerning his and his Childrens interest) have chearfully contributed thereunto. But the same unfortunately failing, his Majesty is constrained, in a case of so great necessity, to try the dutiful affections of his loving Subjects in another way, as his Predecessors have done in former times, by propounding unto them a voluntary contribution. And therefore, as your selves have already given a liberal and worthy example (which his Majesty doth take in very gracious part) so his pleasure is, and we do accordingly hereby authorise and require your Lordships, as well to countenance and assist the service by your best means, in your next Circuits, in the several Counties where you hold General Assizes ; as also now presently, with all convenient expedition, to call before you all the Officers and Attorneys, belonging to any his Majesty's Courts of Justice ; and also all such others of the Houses and Societies of Court, or that otherwise have dependance upon the Law, as are meet to be treated withall in this kind, and have not already contributed ; and to move them to joyn willingly in this Contribution in some good measure, answerable to that your selves and others have done before us, according to their means and fortunes : Wherein his Majesty doubteth not, but beside the interest of his Children, and his own Crown and Dignity, the Religion professed by his Majesty, and happily flourishing under him, within this Kingdom, (having a great part in the success

19 Jacobi.

cess of this business) will be a special motive to incite and persuade them thereunto. Nevertheless, if any Person shall, out of obstinacy or disaffection, refuse to contribute herein: proportionably to their Estates and Means, you are to certifie their Names unto this Board.

And so recommending this service to your best care and endeavour, and praying you to return unto us Notes of the Names of such as shall contribute, and of the summs offered by them, We bid, &c.

A

Letters to the same effect were directed to the High Sheriffs and Justices of Peace of the several Counties; and to the Maiors and Bailiffs of every City and Town-Corporate within the Kingdom, requiring them to summon all of known Abilities within their Jurisdictions, and to move them to a chearful contribution according to their Means and Fortunes, in some good measure, answerable to what others well-affected had done before them. And to make choice of meet Collectors of the

B Moneys, and to return a Schedule of the Names of such as shall contribute, and the summs that are offered by them; that his Majesty may take notice of the good inclinations of his Subjects to a cause of such importance; as likewise of such others, if any such be, as, out of obstinacy or disaffection, shall refuse to contribute.

About this time, *George Abbot*, Archbishop of *Canterbury*, began to fall into disgrace at Court; his enemies taking the advantage of a late sad misfortune, for shooting at a Dear with a Cross-bow in *Bramzil Park*, he casually killed the Keeper. Upon this unhappy accident, it was suggested to the King, who already disgusted him for opposing the Match with *Spain*, That in regard of his eminent rank in the Church, it might administer matter of Scandal; which was aggravated by such as aspired unto his place and dignity. The Bishop of *Lincoln*, then Lord Keeper, informed the Marquis of *Buckingham*, That, by the Common Law of *England*, the Archbishop's whole Estate was forfeited to the King; and by the Common Law, which is still in force, he is made irregular, *ipso facto*, and so suspended from all Ecclesiastical Function, until he be restored by his Superior, which was the Kings Majesty, in this rank and order of Ecclesiastical Jurisdiction; To add affliction to the afflicted "said he") will be against his Majesty's nature; yet to leave a Man of "blood, Primate and Patriarch of all his Churches, is a thing that "sounds very harsh in the Old Councils and Canons, and the Papists "will not spare to censure it.

The King made choice of the Lord Keeper, the Bishops of *London*, *Winton*, *Rochester*, *St. David's*, and *Exeter*, Sir *Henry Hobert*, Justice *Doderidge*, Sir *Henry Martin*, and Doctor *Stuart*, to inform him of the nature of this cause, and the scandal that might arise thereupon; and to certifie what the same may amount unto, whether to an irregularity, or otherwise, and what means may be found for redress. However this consultation was managed, the Archbishop was not deprived; but a Plant was growing up that over-topped him whilst he lived, and after his decease obtained the Primacy.

F Doctor *Laud*, who was first chosen to the Bishoprick of *St. David's*, by the mediation of the Lord Keeper *Williams*, and was consecrated by the Bishops of *London*, *Worcester*, *Chichester*, *Ely*, *Landaff*, and *Oxon*; the Archbishop in the mean time was not thought irregular for the Casual Homicide.

Archbishop
Abbot not re-
lished at
Court; and ad-
vantage taken
against him.

This Bishop, Doctor *Laud*, was looked upon, in those times, as an

Arminian,

An. 1622.

Bishop Laud suspected to incline to Popish Tenets while he was of Oxford as appears by a notable passage.

Arminian, and a fierce opposer of Puritans ; and while he lived in Oxford, suspected to incline to Popish Tenets, as may appear by his Letter of Complaint, sent to his Patron, Doctor Neal, then Bishop of Lincoln, against a Sermon preached by Robert Abbot, Doctor of the Chair in Oxford ; in which Letter he inclosed this (amongst other passages) of the Doctor's Sermon, *viz.*

" That Men under pretence of Truth, and preaching against the Puritans, strike at the heart and root of Faith and Religion now established among us. That this preaching against the Puritans was but the practice of Parsons and Campions counsel, when they came into England to seduce young Students : And when many of them were afraid to lose their places, if they should professedly be thus, the counsel they then gave them, was, That they should speak freely against the Puritans, and that should suffice. And they cannot intend, that they are accounted Papists, because they speak against the Puritans. But because they indeed are Papists, they speak nothing against them. If they do at any time speak against the Papists, they do beat a little upon the Bush, and that softly too, for fear of troubling or disquieting the Birds that are in it.

I Came time enough (*said Mr. Laud*) to be at the rehearsal of this Sermon, upon much perswasion, where I was fain to sit patiently, and hear my self abused almost an hour together, being pointed at as I sat. For this present abuse, I would have taken no notice of it, but that the whole University apply it to me, and my own Friends tell me, I shall sink my credit, if I answer not Dr. Abbot in his own. Nevertheless, in a briueness of this kind, I will not be swayed from a patient course. Onely I desire your Lordship to vouchsafe me some direction what to do, &c.

The Arminians begin to be favoured by the King, by means of Bishop Laud.

Favours shewed to Recusants by the King's Order.

The Arminian Sect, opposed by King James, and by his special concurrence lately broken in the Netherlands, by the beheading of Barneveldt the chief of them, began in his latter times to spring up in England, and was countenanced by the said Prelate, who had newly obtained the opinion and favour of the Marquis of Buckingham : The King's main design then not suffering the suppressing of that way, which in common judgment was inclined to Popery, or he thought to recover all his losses, and to salve all misfortunes by the Spanish Match. And for this cause, he released multitudes of Priests and Popish Recusants, then imprisoned, which the Spaniards professed to be a great demonstration of the King's sincere affection, to confirm the correspondence and amity between the Crowns. And that this enlargement might be the more expedite, and less chargeable, the King gave direction to the Lord Keeper Williams, Bishop of Lincoln,

Jacobi 20.
1622.

THAT whereas he had formerly given order for the release of Recusants, by removing them from the several Gaols of this Kingdom, to be bailed before the Justices of the Bench : And finding that this course will be troublesome to the poorer sort of them, he doth now require, that Writs be directed to the Justices of Assizes, enabling and requiring them, to enlarge such Recusants as they shall find in their several Gaols, upon such conditions and securities, as were required by the Judges of his Bench. Accordingly the Writs were issued forth under the Great Seal, and the Lord Keeper wrote to the Judges on this manner :

That

20 Jacobi.

A

THAT the King having, upon deep Reasons of State, and in expectation of the like correspondence from Foreign Princes to the Professors of our Religion, resolved to grant some grace to the imprisoned Papists, had commanded him to pass some Writs under the Broad Seal for that purpose: Wherefore it is his Majesty's pleasure, that they make no niceness or difficulty to extend his Princely favour to all such, as they shall find Prisoners in the Gaols of their Circuits, for any Church Recusancy, or refusing the Oath of Supremacy, or dispersing of Popish Books, or any other point of Recusancy that shall concern Religion onely, and not matters of State.

B

But a general offence was taken at this Indulgence to Papists, and the Lord Keeper's Letter to the Judges, which, how the Keeper endeavoured to renounce, may be seen in his Letter, written to a Person of Honour.

C

AS the Sun in the Firmament appears to us no bigger than a Platter, and the Stars are but as so many Nails in the Pummel of a Saddle, because of the enlargement and disproportion between our Eye and the Object: So is there such an unmeasurable distance between the deep resolution of a Prince, and the shallow Apprehensions of common and ordinary people; that as they will ever be judging and censuring, so they must needs be obnoxious to error and mistaking. The King is now a most zealous Intercessor for some ease and refreshment to all the Protestants in Europe, which were unreasonable, if he did now execute the rigour of his Laws against the Roman Catholicks.

D

Our Viperous Countrey-men, the English Jesuits in France, had many moneths before the favour granted, invited the French King, by writing a malicious Book, to put all the Statutes in execution against the Protestants in those parts, which were enacted in England against the Papists, and (as they falsely informed) severely executed. Besides, these Papists are no otherwise out of Prison, than with their Shackles about their heels, sufficient Sureties, and good Recognizances, to present themselves at the next Assizes; and their own demeanor, and the success of his Majesty's Negotiations must determine, whether they shall continue in this grace.

E

But to conclude, from the favour done to the English Papists, that the King favours the Romish Religion, is a composition of Folly and Malice, little deserved by a gracious Prince, who by Word, Writing, Exercise of Religion, and Acts of Parliament, hath demonstrated himself so resolved a Protestant.

F

As for his own Letter to the Judges, he said, it recited onely four kinds of Recusancy, capable of the King's clemency, not so much to include them, as to exclude many other Crimes, bearing the name of Recusancy, as, using the Function of a Romish Priest, seducing the King's Liege people from the established Religion, aspersing the King, Church, or State, or the present Government.

All which Offences, being outward practices, and no secret motions of the Conscience, are adjudged, by the Law of England, to be meerly Civil and Political, and are excluded by the Letter from the benefit of those Writs.

The Lord
Keeper's Let-
ter, excusing
the King's fa-
vour towards
Papists.

But

The King's
Letter to the
Archbishop
for regulating
the Clergy.

But because the Peoples Mouths were open, and some Preachers were too busie, and the Puritan party increased, the King gave directions for the regulation of the Ministry, in his Letter to the Lord Archbishop of Canterbury.

Most Reverend Father in God, Right trusty and intirely beloved Counsellor, we greet you well. Forasmuch as the abuses and extravagancies of Preachers in the Pulpit, have been in all times suppressed in this Realm by some Act of Council, or State, with the advice and resolution of grave and learned Prelates; insomuch that the very licensing of Preachers had the beginning by an Order of Star-Chamber, the Eighth day of July, in the Nineteenth Year of the Reign of King Henry the Eighth, our Noble Predecessor: And whereas at this present, divers young Students, by reading of late Writers, and ungrounded Divines, do broach many times unprofitable, unsound, seditious, and dangerous Doctrines, to the scandal of the Church, and disquiet of the State and present Government: We, upon humble representation unto us of these inconveniences by your self, and sundry other grave and reverend Prelates of this Church, as also of our Princely care and zeal for the extirpation of Schism and Dissentition growing from these Seeds, and for the settling of a Religious and Peaceable Government, both in Church and Commonwealth, do by these our special Letters, straitly charge and command you, to use all possible care and diligence, that these Limitations and Cautions herewith sent unto you, concerning Preachers, be duly and strictly from henceforth put in practice, and observed by the several Bishops within your Jurisdiction. And to this end our pleasure is, that you send them forthwith Copies of these Directions, to be by them speedily sent and communicated unto every Parson, Vicar, Curate, Lecturer, and Minister, in every Cathedral or Parish Church, within their several Diocesses; and that you earnestly require them, to employ their utmost endeavours in the performance of this so important a business; letting them know, that we have a special eye unto their proceedings, and expect a strict accompt thereof, both from you and every of them. And these our Letters shall be your sufficient Warrant and discharge in that behalf.

Given under our Signet at our Castle of Windsor, &c.

Directions concerning Preachers, sent with the Letter.

Directions
concerning
Preachers...
ministers.

I. "T hat no Preacher, under the Degree and Calling of a Bishop or
" Dean of a Cathedral, or Collegiate Church (and they upon
" the King's days, and set Festivals) do take occasion, by the ex-
" pounding of any Text of Scripture vwhatsoever, to fall into any set dis-
" course, or common place, otherwise than by opening the Coherence
" and Division of the Text; vwhich shall not be comprehended and vvar-
" ranted in Essence, Substance, Effect, or Natural Inference, vwithin some
" one of the Articles of Religion, set forth, One thousand five hundred
" sixty and two; or in some of the Homilies, set forth by Authority of
" the Church of England: Not onely for a help for the Non-preaching,
" but vwithall for a pattern and boundary (as it vvere) for the Preaching
" Ministers. And for their further Instructions for the performance here-
" of, that they forthvwith read over and peruse diligently the said Book
" of Articles, and the two Books of Homilies.

II. " That

20 Jacobi.

~~Catechism, Creed, Ten Commandments, Lord's Prayer.~~

A II. "That no Parson, Vicar, Curate, or Lecturer, shall preach any Sermon or Collation hereafter, upon Sundays and Hollidays in the Afternoon, in any Cathedral or Parish Church throughout the Kingdom, but upon some part of the Catechism, or some Text taken out of the Creed, Ten Commandments, or the Lord's Prayer, (Funeral Services only excepted.) And that those Preachers be most encouraged, and approved of, who spend the Afternoon's Exercise in the Examination of Children in their Catechism, which is the most ancient and laudable custom of Teaching in the Church of *England*.

B III. "That no Preacher of what Title soever, under the Degree of a Bishop, or Dean at the least, do from henceforth presume to preach in any popular Auditory the deep Points of Predestination, Election, Reprobation, or of the Universality, Efficacy, Resistibility, or Irrefutability of God's Grace ; but leave those Themes rather to be handled by the Learned Men, and that Moderately and Modestly by way of Use and Application, rather then by way of Positive Doctrines, being fitter for the Schools, then for simple Auditories.

C IV. "That no Preacher, of what Title or Denomination soever, from henceforth, shall presume in any Auditory within this Kingdom, to declare, limit, or bound out, by way of Positive Doctrine, in any Lecture or Sermon, the Power, Prerogative, and Jurisdiction, Authority or Duty of Sovereign Princes, or otherwise meddle with matters of State, and the differences between Princes and the People, than as they are instructed and presided in the Homilies of Obedience, and the rest of the Homilies and Articles of Religion, set forth (as before is mentioned) by publick Authority; but rather confine themselves wholly to those two Heads of Faith and Good Life, which are all the subject of the Ancient Sermons and Homilies.

D V. "That no Preacher, of what Title or Denomination soever, shall presume causlessly, or without invitation from the Text, to fall into bitter Invectives, and undecent railing Speeches against the Persons of either *Papists* or *Puritans*; but modestly and gravely, when they are occasioned thereunto by the Text of Scripture, free both the Doctrine and the Discipline of the Church of *England* from the aspersions of either Adversary ; especially where the Auditory is suspected to be tainted with the one or the other infection.

E VI. "Lastly, That the Archbishops and Bishops of the Kingdom (whom his Majesty hath good cause to blame for their former remissness) be more wary and choice in their Licencing of Preachers, and revoke all Grants made to any Chancellor, Official, or Commissary, to pass Licences in this kind : And that all the Lecturers throughout the Kingdom of *England* (a new body severed from the ancient Clergy, as being neither Parsons, Vicars, nor Curates) be Licensed henceforward in the Court of Faculties, by Recommendation of the party, from the Bishop of the Diocese, under his Hand and Seal, with a Fiat from the Lord Archbishop of *Canterbury*, a Confirmation under the Great Seal of *England*. And that such as do transgress any one of these Directions, be suspended by the Bishop of the Diocese, or in his default, by the Archbishop of the Province, *Ab officio & beneficio*, for a Year and a day, until his Majesty, by the advice of the next Convocation, shall prescribe some further punishment.

An. 1622.

The new King
of Spain, Phil-
ip the Fourth,
procures the
Popes assent
to the Match.

The Infanta
cools in the
Palsgrave's
business.

The pretended
Obstacles of
the Treaty re-
moved.

Heidelberg
besieged.

New Condi-
tions demanded
of the King, be-
fore the Pope
gives a Dis-
pensation.

These Directions were warily communicated by the Archbishop of Canterbury to the Bishops within his Province.

The King lost no time in pursuing the Match with Spain; but the Dispensation from Rome, which was the Key of the business, had long lain in a kind of Dead-palsey, till the new King of Spain had, by a Letter, quickened the Pope: Whereupon there ensued a Congregation of Cardinals to determine the matter, and afterwardes the Pope's assent: And then the Court of Spain declared such an entire Agreement for the Alliance with England, that King James was satisfied, and could expect no further difficulty.

But his intelligence from Bruxels, and all other parts of the World, did quickly cool, and almost quench his hopes. Sir Richard Weston was a man approved by Gondomar, who commended the King's wisdom in the Election of so fit a Minister for the Treaty at Bruxels; yet the man so well disposed, and suited to the King's desigins, wrote desperate Letters of the Infanta's cold and unworthy manner of Treating in that important business of restoring the Palsgrave.

Whilst the King of England's proceedings were so just and clear, the Count Palatine was retired to Sedan, and there sojourned with his Uncle the Duke of Bovillon and his Partizans; Duke Christian of Brunswick, and Count Mansfeld, the pretended Obstacles of the Treaty, were removed, and had taken another course. Mansfeld went for Holland, where the States intended to use him for the raising of the Siege of Bergen, by cutting off the Convoys between Antwerp and the Spanish Leaguer: And King James had lately offered, that in case the forces of Mansfeld and Brunswick would not rest, but still perturb the Treaty, he would joyn with the Emperor and the Arch-duchess to quiet them: And the English Companies in the Palatinate, being penned up in Garrisons, could not cause disturbance.

In the mean while, that miserable Countrey was burnt and sacked, in the sight of the English Ambassador. And now the Imperial and Bavarian Forces fall to the besieging of Heidelberg.

When the Ambassador, at Bruxels, complained of these proceedings, he received frivolous Answers, mixed with Recriminations. All that Weston obtained, was, onely Letters of intreaty from the Infanta to the Emperor's Generals, to proceed no farther, though she had before acknowledged a full power from the Emperor to conclude the desired Cessation: But they pretended that they would restore all when all was taken.

For this cause, Sir Richard Weston acquainted the Marques of Buckingham, that he could not discern how the weak hopes given him at Bruxels, could agree with the strong assurances given by the Lord Digby from the Court of Spain.

Moreover, to protract the Palsgrave's business, the Emperor takes occasion to appoint a Dyet at Ratisbone, contrary to his own promise, as himself acknowledged.

Mr. Gage returned from Rome, with no better fruit of his Agency; for the Dispensation cannot pass, till the King give satisfaction to a number of new Conditions, which before were never dreamed of, and had this mischief in them, to bring the King in jealousie with the greatest part of his Subjects. A piece of Jugling was observed in this Negotiation: For some points of larger Indulgence, whereto King James had yielded, were concealed from the Pope by the Ministers of the King of Spain.

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The Court then devised to put a good face upon an ill Game, and good Sauce to an unsavoury Dish: For all the world expecting that *Gage* should bring the Dispensation at his first arrival, they made him give out, That it was passed in *Rome*, and sent from thence to *Spain*.

But the King made a close pursuit, and resolved they should not escape him. The Popes demands superadded to the Articles of Marriage were taken in hand, and Resolutions were given upon them in manner following.

A To the demand of a publick Church in *London*, besides a Domestick Chappel, assigned to the *Infanta* and her Family, the King made Reply,

That it was more than was assumed by himself, or his Son the Prince; That the Chappel allowed was not a private Oratory, but, in effect, a Church, where the World might take notice of the Religion which the *Infanta* professed in publick manner.

B To another demand, That the Superior Minister having Ecclesiastical Authority, be in *Ordine Episcopali*; he answered, That he would leave it to the King of *Spain* to appoint as he shall judge expedient.

But whereas the Pope required, That the Ecclesiasticks be subject to no Laws, but of their own Ecclesiastical Superiors; his answer was, That exemption seemed strange, as not allowed in all States and Countreys that were of the *Roman* Religion.

C As for the Education of the Children under the Mother's government; Let the King of *Spain* Judge indifferently (said the King) how unfit it were for us to declare to the world, that we engaged our self to permit our Grand-children to be brought up unto years of Marriage, in a Religion which we profess not, and which is not publickly professed in our Kingdom. And further than we have already assented in general, to leave the Children under the Mother's tuition for a longer or shorter time, according to their constitution and health, (which may possibly reach unto the time required by the Pope) we can by no means descend, unless the King of *Spain* think it fit to limit the time to a certainty.

D And whereas the Pope expected some larger offers, for the general good of the *Roman* Church; the King shewed, That the Articles of Religion, agreed upon between himself and the late King of *Spain*, were accounted so satisfactory in the judgment of the Learned'ft and Greatest Clergy of *Spain*, that they declared their opinion, That upon the offer of such Conditions, the Pope ought not to with-hold the Dispensation.

E And he said further, That the Pope was satisfied, that he of his own Authority could not grant a general Liberty of exercising the *Roman* Religion; And what is it that they would have? For setting that aside, he had in a manner done already all that was desired, as all the *Roman* Catholicks have found, out of his gracious clemency towards them, and will no doubt acknowledge.

F This resolution the King sent into *Spain*, (for he would not seem to treat with *Rome*) and therewith this Letter to the Lord *Digby*, now made Earl of *Bristol*.

The Kings Answer to the said Demands.

Right Trusty and Well-beloved,

The King sends his resolution to Dijby in Spain now made Earl of Bristol.

AUR pleasure is, that immediately you crave Audience of that King, and represent unto him the merit that we may justly challenge to our self, for our sincere proceedings with the Emperor and him: Notwithstanding the many Invitations and Temptations we have had to engage our self on our Son in Law's part. That we have both from the Emperor, and from him, hopes given us from time to time of extraordinary respect, (howsoever our Son in Law had deserved) which we have attended and expected, even to the last, with much patience, and in despight, as it were, of all opposition, which might shake our resolution in that behalf: If now, when all Impediments are removed, and the way is so prepared, as that the Emperor may give an end unto the War, and make some present Demonstration of his respect towards us, in leaving us the honour of holding those poor Places, which yet remain quietly and peaceably, until the general Accommodation, the same shall nevertheless be violently taken from us; what can we look for, if the whole shall be in his hands and possession? who amusing us with a Treaty of Cessation, and protracting it industriously (as we have reason to believe) doth in the mean time seize himself of the whole Countrey? Which being done, our Ambassador shall return with scorn, and we remain in dishonour: And therefore, as we have heretofore sundry times promised, in testimony of the sincerity of our proceedings, and of our great desire to preserve the Amity inviolable between us and the whole House of Austria; that in case our Son in Law would not be governed by us, that then we would not onely forsake him, but take part and joyn our Forces with the Emperor's against him. So you may fairly represent unto that King, That in like manner we have reason to expect the same measure from him: That upon the Emperor's averseness to a Cessation, and Accommodation, he will likewise assist us for the recovery of the Palatinate, and Electoral Dignity to our Son in Law, as it hath been oftentimes intimated from Spain. Yet our meaning is, to carry all things fair with that King, and not to give him any cause of distrust or jealousy, if you perceive that they intend to go really and roundly on with the Match: Wherein, nevertheless, we must tell you, That we have no great cause to be well pleased with the diligence used on that part, when we observe, that after so long an expectance of the Dispensation, upon which the whole business, as they will have it, depends, there is nothing yet returned but Queries and Objections.

BWe have thought fit to let you know, how far we are pleased to enlarge our self concerning those points demanded by the Pope: And further than that, since we cannot go without much prejudice, inconvenience, and dishonour to our Self, and our Son; we hope and expect, that the King of Spain will bring it instantly to an issue, without further delay, which you are to press with all diligence and earnestness: But if respite of time be earnestly demanded, and that you perceive it not possible for them to resolve, until an answer come from Rome, We then think it fit, that you give them two moneths time after your Audience, that we may understand that Kings final Resolutions before Christmas next at the furthest.

CLikewise the Conde Gondomar, who was lately called home, is roused, by a Letter from England, on this manner.

D"Here

20 *Jacob.*
Likewise a Letter was sent to *Gonzmar*, newly recalled into *Spain*.

A “**H**ere is a King, and a Prince and a faithful Friend and Servant, “**B**uckingham, besides a number of other Friends, to whom every “day seems a year, till the Match be accomplished; all things are pre-“pared on our parts, Priests and Recusants are at liberty, and the Prisons “are filled with zealous Ministers: Orders are published for the Universi-“ties and Pulpits, that none shall hereafter be meddling, but that all “preach Christ crucified.

B “His Majesty never looked to the rising or falling hopes of his Son “in Laws fortunes, but kept in the same course that seems most agree-“able to Honour and Justice, and the peace of Christendom. And *Gondo-*“*mur* did beseech the King, to suffer himself once to be deceived by *Spain*, “and promised, when the Match was first moved, and the King per-“suaded to break with *France*, That he should be prest to nothing, but “what might stand with Conscience and Honour, and the love of his “people.

C “And whereas the Pope would know what *Bonum Publicum* will be “granted, we remit it to your Conscience, whether the favours daily “granted to Catholicks, which the King resolves to continue, if not to “increase, be not a real publick good, considering if the Match break “off, his Majesty will be importunately urged by his people, to whose “assistance he must needs have recourse, to give life and execution to all “Penal Laws, now hanging over the heads of Catholicks.

D “According to the King’s direction, the Earl of *Bristol* presented a Memorial to the King of *Spain*, and from him and his Masters received this return:

E “That for the accomplishing of the Match on their part, there should “not one day be lost; for the dispatch thereof imported them no less than “the King of Great Britain: and for the *Palatinate*, they will seek his in-“tire satisfaction, and they refer it to his own just judgment, whether “their Forces were called out of the *Palatinate* with an evil intention, “or merely for the defence of *Flanders*, which otherwise had been put in “great hazard by Count *Mansfeld*: That the besieging of *Heidelberg* “was no way by their consent, or knowledge, but was generally disap-“proved by them. And if it should be taken, and the Emperor refuse to “restore it, or to condescend to such Accommodation as should be ad-“judged reasonable, the King of Great Britain shall be infallibly assisted “with the Arms of *Spain*, for the restoring of the *Palatine*.

F “And, as concerning the Match, *Bristol* seemed so confident, as to de-“clare to the King his Master, “That he should not willingly give his “Majesty hope upon uncertain grounds, so he would not conceal what “the Spanish Court professed, which was, to give his Majesty both real “and speedy satisfaction. And he affirmed, if they intended it not, they “were fitter than all the Devils in hell, for deeper Oaths and Protestati-“ons of Sincerity could not be made.

G “But in the mean while, the Town and Castle of *Heidelberg* were taken, and the English Companies put to the Sword, and Sir *Edward Herbert*, the Governour, was slain, after he had broken four Pikes in charging the Enemy. The besieging of *Manheim*, and the blocking of *Frankendale*, followed the loss of *Heidelberg*.

H “King *James* provoked by the continual progress of these indignities, was impatient of staying for a reply from *Spain* to his former Letters, but

The Answer to the Memorial presented by the Earl of *Bristol* to the Spanish King.

Bristol gives the King hope of the Match.

Heidelberg ta-ken.

The King pro-“voked, tends his former re-“solutions, with a new dispatch, into *Spain*.

An. 1622.

but seconded those resolutions with a vehement new dispatch, the Third of October, in a peremptory style, as it well became him ; commanding the Earl of *Bristol* to let that King understand, how sensible he was of the Emperors proceedings towards him ; and withall, not a little troubled to see, that the *Infanta* at *Bruxels*, having an absolute Commission from the Emperor, to conclude a Cessation and Suspension of Arms, should now at last, when all Objections were answered, and the former solely pretended Obstacles removed, not onely delay the Conclusion of the Treaty, but refuse to lay her Commands upon the Emperor's Generals, for abstaining from the Garrisons during the Treaty, upon a pretext of want of Authority : So as for the avoiding of further dishonour, he hath been forced to recall both his Ambassadors, as well the Chancellor of his Exchequer from *Bruxels*, as also the Lord *Chichester*, whom he intended to have sent unto the Emperor to the Dyt at *Ratisbone*.

He further enjoyned his Ambassador, that having delivered his sence of things, he should demand of the King of *Spain* a promise under his Hand and Seal, that the Town and Castle of *Heidelberg* shall be delivered to the *Palatine* within seventy days after the Audience, and the like for *Manheim* and *Frankendale*, if they be taken. That within the said term of Seventy days, a Suspension of Arms in the *Palatinat* be concluded upon the Conditions last propounded by Sir *Richard Weston* at *Bruxels* ; and that a General Treaty shall be again set on foot upon such honourable terms, as were tended to the Emperor in *November* last. But if these particulars be refused or delayed by the Emperor, that the King of *Spain* shall joyn Forces with the King of *Great Britain*, for the recovery of his Childrens Honours and Patrimony. And if he cannot give assistance, that he will at least allow him a free and friendly passage through his Territories, for the Forces to be employed in that service.

Of these points distinctly, if the Ambassador should not receive a direct assurance, he was to take his leave of that King, and to return into his Masters presence. But the King annexed this private Instruction, That in case a Rupture happened, it might be managed to the best advantage. Wherefore he should not instantly come away, but send him secret Intelligence, and in publick give out the contrary.

Immediately upon these demands, an Order was sent from *Spain* to *Bruxels*, for the relief of *Manheim*, but it came too late ; for before the arrival thereof, the Town was yielded into the hands of *Tilly* : But had it come in season, the effect thereof might be guessed by *Tilly*'s reasons, presented to the Archduchess, against raising the Siege of *Manheim*, and the restoring of *Heidelberg*, to this purpose ;

That he could not do it without the Emperour's express consent, and that the winning of *Manheim* was to be hastned, to prevent the machinations of evil Neighbours, who were plotting new Commotions in favour of the Count *Palatine*, and especially to obviate the designs of Count *Mansfeld*.

And lastly, That the Emperor and the Catholick League, having settled all *Germany*, might give the Law to their opposites, and settle a Peace upon their own terms.

How little the Emperor attributed to the Kings Humanity, and upright dealing, which he applauded in shew, might be discerned by sure advertisements of his purpose, to propound in the Dyt at *Ratisbone*, his promise of translating the *Palatine* Electorate to the Duke of *Bavaria*, as a thing irrevocable.

In the mean time *Manheim* is taken.

The Emperors intentions to King James, not good.

More-

Moreover, the King of Spain, the Fifth of November, 1622. in the height of those professions made to the English Ambassador, touching the Marriage, wrote on this manner to his grand Favourite the Conde Olivares.

A **T**He King my Father declared at his death, that his intent never was to Marry my Sister, the Infanta Donna Maria with the Prince of Wales; which your Uncle Don Balthazar understood, and so treated this Match ever with intention to delay it. Notwithstanding, it is now so far advanced, that considering all the averseness unto it of the Infanta, it is time to seek some means to divert the Treaty, which I would have you find out, and I will make it good whatsoever it be. But in all other things, procure the satisfaction of the King of Great Britain, (who hath deserved much) and it shall content me, so that it be not in the Match.

B Olivares wrote a Letter deliberative, the Eighth of November, 1622. and propounded an Expedient to the King of Spain, in these words.

C **S**IR, Considering in what estate we find the Treaty of Marriage between Spain and England, and knowing certainly how the Ministers did understand this business, that treated in the time of Philip the Third, that is in Heaven, that their meaning was never to effect it, but by enlarging the Treaties and Points of the said Marriage, to make use of the Friendship of the King of Great Britain, as well in matters of Germany, as those of Flanders: And imagining likewise, that your Majesty is of the same opinion (though the Demonstration do not shew so;) joyning to these Suppositions, that it is certain the Infanta Donna Maria is resolved to put her self into a Monastery the same day that your Majesty shall press her to this Marriage: I have thought fit to represent unto your Majesty, that which my good zeal hath offered me in this occasion, thinking it a good time to acquaint your Majesty withall, to the end you may resolve of that which you shall find most convenient, with the advice of those Ministers you shall think fit to make choice of.

D The King of Great Britain doth find himself at this time equally engaged in two busineses; the one is this Marriage, to which he is moved by the conveniences he finds in your Majesty's friendship, by making an Agreement with those Catholicks, that he thinks are secretly in his Kingdom; and, by this, to assure himself of them, as likewise to Marry his Son to one of the House of Austria; knowing, that the Infanta Donna Maria is the best Born Lady in the World. The other business is, the restitution of the Palatinate, in which he is more engaged; for beside that his Reputation is at stake, there is added the love and interest of his Grand-children, Sons of his onely Daughter: So that both by the Law of Nature, and Reason of State, he ought to put that forward, what ever inconveniencies might follow by dissembling what they suffer.

E I do not dispute, whether the King of Great Britain be governed, in this business of the Palatinate, by Act or Friendship; I think a man might say, he useth both; but as a thing not precisely necessary to this Discourse, I omit it. I hold it for a Maxim, that these two Engagements in which he finds himself, are inseparable; for although the Marriage be made, we must fail of that which in my way of understanding is most necessary, The restitution of the Palatinate.

F This being supposed, having made this Marriage in that form as it is treated, your Majesty shall find your self, together with the King of Great Britain, engaged in a War against the Emperor and the Catholick League; A thing which to hear, will offend your godly ears: or declaring your self for the Emperor,

Nor the King
of Spain's, wit-
ness his Letter
to Conde Oli-
vares.

Olivares An-
swer.

Historical Collections.

Emperor, and the Catholick League, as certainly your Majesty will do ; then you will find your self engag'd in a War against the King of England, and your Sister married with his Son ; with the which, all whatsoever reasons of convenience that were thought upon in this Marriage, do cease. If your Majesty shall shew your self Neutral, as it may be some will propound ; That, first, will cause very great scandal ; and with just reason, since in matters of less opposition than of Catholicks against Hereticks, the Arms of this Crown have taken the godly A part, against the contrary party : and at this time the French-men fomenting the Hollanders against your Majesty, your piety hath been such, that you have sent your Arms against the Rebels of that Crown, leaving all the great considerations of State, onely because these men are Enemies to the Faith, and the Church.

It will oblige your Majesty, and give occasion to those of the League to make use of the King of France, and of other Catholick Princes, ill-affected to this Crown ; for it will be a thing necessary for them to do so : And those even against their own Religion, will foment and assist the Hereticks for hatred to us. Without doubt they will follow the other party, onely to leave your Majesty with that Blemish, which never hath befallen any King of these Dominions. The King of England will remain offended and enraged, seeing that neither interest, nor helps do follow the Alliance with this Crown ; as likewise with pretext of particular resentment, for having suffered his Daughter and Grand-children to be ruined for respect of the said Alliance.

The Emperor, though he be well-affected, and obliged to us in making the Translation at this time, as business now stands, (the Duke of Bavaria being possessed of all the Dominions) although he would dispose all according to our Conveniences, it will not be in his power to do it, as your Majesty, and every body may judge. And the Memorial that the Emperor's Ambassador gave your Majesty yesterday, makes it certain, since in the List of the Soldiers that every one of our League is to pay, he sheweth your Majesty, that Bavaria for himself alone, will pay more than all the rest joyned together ; the which doth shew his power and intention, which is not to accommodate matters, but to keep to himself, the Superiority of all in this broken time, the Emperor is now in the Dyer, D and the Translation is to be made in it.

The Proposition in this estate, is, by considering the means for a Conference, which your Majesty's Ministers will do with their Capacities, Zeal and Wisdom ; and it is certain, they will herein have enough to do : For the difficulty consists to find a way to make the present estate of affairs streight again, which with lingring, as it is said, both the power and time will be lost. I suppose the Emperor, as your Majesty knoweth by his Ambassador, desires to marry his Daughter with the King of England's Son. I do not doubt but he will be likewise glad to marry his second Daughter with the Palatine's Son. Then I propound, that these two Marriages be made, and that they be set on foot presently, giving the King of England full satisfaction in all his propositions, for the more strict Union and Correspondency, that he may agree to it. I hold for certain, that all the Conveniences that would have followed the Alliance with us, will be as full in this : And the Conveniences in the great Engagement are more by this ; for it doth accommodate the matter of the Palatinate, and Succession of his Grand-children with honour, and without drawing a Sword, and wasting Treasure. With this Interest, the Emperor, with the Conveniences of the King of England and the Palatinate, the onely means in my way of understanding, to hinder those great dangers that do threaten, may accommodate the business, and not sever himself from the Conveniences and Engagements of Bavaria ; and after I would reduce the Prince Elector, that was an Enemy, to the obedience of the Church, by Breeding his Sons in the Emperor's Court with Catholick Doctrine. The

A The Business is great, the Difficulties greater perchance than have been in any other case. I have found my self obliged to present this unto your Majesty; and shall shew, if you command me, what I think fit for the disposing of the things, and of the great Minister which your Majesty hath. I hope, with the particular Notes of these things, and all being helped with the good zeal of the Conde Gondemar, it may be, God will open a way to it, a thing so much for his, and your Majesties service.

B Such Consultations had the Catholick King in his Cabinet-Council, whilst he pretended so much zeal to a Closure with England: Insomuch that King James professed to have taken great contentment in the Dispatches of the Earl of Bristol, as full and satisfactory. And though the Order sent to the Archdutches for the Relief of *Anheim* arrived too late, yet he acknowledged it to be an argument of that Kings sincere intentions.

C But the Kings hopes were still deferred, and these Delayes were palliated by the stop of the Dispensation, till the Pope were further satisfied in the time of the Childrens Education under the Mothers government, and the exemption of Ecclesiastical persons from all secular Jurisdiction. And the Spaniards did not spare to stretch the Kings ductile spirit: For he was willing to stand obliged by a private Letter, that the Children should be kept under the Mothers wing till the Age of Nine Years; but he desired for Honours sake, that no more than Seven might be exprest in the Publick Articles.

D But this Enlargement would not satisfie; he must come up to the allowance of Ten Years, which was the lowest of all to be expected; and so he was brought at length to wave his Honour, and to insure this Concession by a publick Ratification. And for the Exemption of Ecclesiasticks from the Secular power, thus far he yielded, That the Ecclesiastical Superior do take notice of the offence that shall be committed, and according to the merit thereof, either by Degradation deliver him to secular Justice, or banish him the Kingdom.

E Bristol's importunate Negotiation procur'd this Answer from the King of Spain. First, touching the Marriage, being desirous to overcome all difficulties that might hinder this Union, he had endeavoured to conform himself with the Resolution given by the King of Great Britain to the Popes Proposition, and had dispatched a Post to Rome; that his Holiness judging what hath been here concluded, and held sufficient, might grant the Dispensation, which he engageth to procure within three or four Months at the farthest: and in the interim, that no time be lost, the remaining Temporal Articles shall be Treated and concluded,

F As touching the Palatinate, by his late Dispatches into Flanders, due course is taken to settle all things as may be desired: But untill it be known what effects the same hath wrought, and what the Emperor will reply, no answer can be given in writing to the Particulars contained in the Ambassadors Memorial.

Moreover, the Popes Demands, to which King James took exceptions, being now accommodated by the King of Spain, were sent into England, and presently signed by the King and Prince, without the change of a word.

Bristol's Answer from the King of Spain.

The Popes Demands signed by the King and Prince.

An. 1622.

Frankendale
block'd up by
Papenheim.The King
writes to
Bristol.The Electo-
rate conferred
upon the Duke
of Bavaria, in
the Dyt at Ra-
tisbone.The Protes-
tant Princes
plead for the
Palatine's re-
stitution.

King James having strong assurance that the Dispensation must needs be granted speedily, appointed his Agent *Gage*, who was now again at *Rome*, to present to the Pope and certain Cardinals those Letters which lay in his hand, to be delivered at a fit season. The Kings Letter to the Pope, gave him the stile of *Most Holy Father*. Likewise he directed the Earl of *Bristol* to proceed to the Temporal Articles, and to consummate the whole business.

But while the King had so much zeal and confidence in his Applications to *Spain* and *Rome*, the *Palatinate* is left at random, upon the *Spaniards* loose and general promises. For Colonel *Papenheim* had block'd up *Frankendale*, the onely Hold whereby the *Palgrave* kept a footing in his ruined Country. The Imperialists laughed to think that the *English* Garrison should expect relief by the Orders sent from *Spain* to *Bruxels*. And when the King had made an offer to sequester the Town of *Frankendale* into the *Infanta's* hands, upon the same assurance from her which her self had offered before the loss of *Manheim*, which was to restore the place, whether a peace with the Emperor or a rupture followeth, she was fallen away from that proposition, and would accept the sequestration onely upon a simple trust to render it again at the expiration of eighteen Months.

In this state of affairs the King wrote thus to his Ambassador in the *Spanish* Court: *Concerning the unfortunate knotty affair of the Palatinate to say the truth, as things now stand, we cannot tell what you could have done more than you have already done.* Moreover he shewed, that the reason of his late preremptory Instructions concerning a direct promise of Restitution, was the gros delay at *Bruxels* while *Heidelburgh* was taken, and *Manheim* beleagured: as also *Gage's* coming from *Rome*, and instead of the dispensation, presenting him with new demands to engage him in a Dispute of Treaty with the Pope, which he said he never intended. Wherefore at the instance and perswasion of his Council he was moved to urge the matter so, as to bring it to a sudden period: Not but that the precipit of them were alwayes of opinion, That if the Match were once concluded, the other busines would be accommodated to his satisfaction. Then was the Ambassador required to stir up that King to use all effectual means for diverting the Transtion of the Electorate in the present Dyt: Likewise to make him an offer of *Frankendale* by way of sequestration, upon condition of restoring it in the case as now it stands, whether the Peace succeed or not.

But in the Dyt held at *Ratisbone*, the Emperor declared the *Palatine* to be the cause and ground work of all those Wars and miseries; and that the Electorate of this proscribed Enemy being devolved into his hands, he had conferred it upon the Duke of *Bavaria*, who in this cause and service had spent his Treasure, and hazarded his blood against his own Nephew the *Palgrave*.

The Protestant Princes desired the Emperor to consider, That in so high a Cause as the disposing of an Electorate, and so principal a Person in the Colledge of Electors, who uncited, unheard, and without all knowledge of the Cause hath been condemned, and against all Equity oppressed by the Publication of the Ban; His Imperial Majesty should not have proceeded so rigorously without the Advice and Consent of the other Electors, as was agreed upon in the Capitulation Royal, and Fundamental Law of the Empire. And since the Dyt was called for restoring the Peace of the Empire, it were

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- A were necessary, in the first place, to remove the Obstacles, those extreme Executions in *Bohemia*, which may make that People desperate, and which the *Lutheran* States, following the *Augustine Confession*, have their Eyes upon. And though it be given out, that the severity there exercised, is merely for private Justice; yet it is so linked with the publick Cause, that unless it be speedily ended, and the two Churches in *Prague* again opened, and the free exercise of Religion permitted, they can see no sure peace, but desolation and ruine like to follow. And for the Prince *Palatine*, seeing he is already sufficiently punished, it were commendable in his Imperial Majesty to restore him, upon submission, to his Lands and Dignities: otherwise there is no likelihood of restoring peace. And in transferring the Electorate, if it must be so, this main thing were to be considered, Whether the exclusion of the *Palgrave's* Person doth exclude his Children, who, by the providence of their Ancestors, before this act of their Father, had an Hereditary right thereunto: Or, Whether that Prince's Brother, or other of the Kindred, who have no way offended, should be in this case neglected. This will be ill resented by the other Electors and Princes Allied to the *Palatine*, who have been quiet hitherto, upon confidence of the Emperor's Clemency; but perceiving all hopes of recovering the Electoral Dignity to their Family taken away, must needs have recourse to Arms. They further added, That the *Palatine* was young, and abused by evil Counsels, and no way the Author of the stirs in *Bohemia*. Wherefore they give their advice, That his restoring will quiet the otherwise endless troubles of the Empire, and for ever engage him, and all his Allies, and the whole Electoral Colledge, to his Imperial Majesty.
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D The Catholick Princes answered, That the *Palatinate* being devolved upon the Emperor, he may bestow it according to his own pleasure; And that he cannot safely hold any terms of Amity with the *Palatine*: That the impunity of so great an Offender, will encourage others to offend: And as for by-past sufferings, there hath been little difference between his and the Emperor's, though the Cause were far different: And that *Mansfield* his General is yet in the Field, and prosecutes his Cause by force of Arms.

The Catholick
Princes reply.

E The other Party replied, That the security of the Imperial Dignity, and the safety of the Empire, consisted in the Concord between the Emperor and the Princes Electors; And if his Imperial Majesty shall use this rigor, the Princes of *Lower Saxony* are of opinion, that there can be no peace established: But this desired Reconciliation will give the Emperor a quiet possession of the Provinces recovered by the aid of the Electors and Princes; otherwise there is a fair pretension left for the renewing of the War, for that the *Palatine's* Sons and Brother are passed by in the Translation of the Elector; and the King of *Great Britain* cannot but take it ill, to see his endeavours produce no better effect, but that his onely Daughter and her Children are left in Exile.

The Prote-
stants assume
the Argument.

F The Emperor takes up the debate, and sheweth, that before the *Ban* was published, he desired nothing more, then that a Diet might be convoked; which being impeded by the prosecution of the War, he could not do less than publish this Proscription to repress the *Palatine*; which some, that now dispute it, did then declare to be legal and necessary: And this proscribed Enemy he will not restore to the Electoral Dignity, nor yet defer to compleat the number of Electors.

The Emperor
takes up the
debate.

A.D. 1622.

Sir Dudley Carlton, resident at the Hague, tends his judgment of the matter to the Marquis of Buckingham.

The Prince and the Marquis of Buckingham go to Spain.

Buckingham visits Olivares, and by him is conducted to the King.

Orders for the Prince's entertainment.

Thus have we good words from *Spain*, and miserable usage from all the rest of the House of *Austria*. Sir Dudley Carlton, Ambassador Resident at the *Hague*, assured the Marquis of *Buckingham*, that though the Spanish Ambassador *D' Ognat* in publick opposed the Emperor, in transferring the Electorate, yet the judgment generally made upon it, was this, That it was a meer Patelinage, with a secret understanding, to abuse King *James* his goodness. Likewise the Emperor, not content to have chased the *Palgrave* out of *Germany*, in the Propositions of the former Diet, made this an Article, to make War upon the United Provinces, because (among other quarrels) they gave refuge to the expulsed *Palatine*. Nevertheless, King *James* resolved to wait upon the Match with *Spain*, as the onely means to consolidate these publick fractures in Christendom. A

And now, behold a strange Adventure and Enterprise! The Prince and the Marquis of *Buckingham*, accompanied with *Cottington* and *Endymion Porter*, post in disguise to *Spain*, to accelerate the Marriage. The 17 of February they went privately from Court, and the next day came to *Dover*, where they imbarqued for *Boloign*, and from thence rode Post to *Paris*, where they made some stop. The Prince, shadowed under a bushy Peruque, beheld the splendor of that Court, and had a full view of the Prince's *Henrietta Maria*, who was afterwards his Royal Consort. For besides the great privacy of the Journey, they had so laid the *English* Ports, that none should follow, or give the least advertisement, until they had gotten the start of *Intelligencers*, and passed the bounds of *France*. Howbeit, they escaped narrowly, and a swift intelligence sent to the King of *Spain* from *Don Carlos Colonna* was even at their heels, before they arrived at *Madrid*. B

The Prince and *Buckingham* being in the Territories of *Spain*, to make but little noise, rode post before their Company. The 7. of March they arrived at *Madrid*, the Royal Residence, and were conveyed with much secrecy into the Earl of *Bristol*'s House. The next Morning the Earl acquainted *Gondomar* with the arrival of the Marquis of *Buckingham*: *Olivares* sends immediately to desire leave to visit the Marquis, which was by no means permitted; but in the Evening the Marquis went privately, accompanied with the Earl of *Bristol*, Sir *Walter Aston*, and *Conde Gondomar*, and met this great *Conde* in a place near the Palace; and after some converse, was led by a back way into the King's Quarter, and had private audience of the King; who received him with extraordinary courtesies, and expressions of so great joy, that might signifie he was not ignorant of the Prince's arrival also: Inasmuch that the *Conde Olivares* having procured the King's leave, went back with the Marquis of *Buckingham*, and kissed the Prince's hands. C

After this, the King and State devise how to give his Highness the most honourable reception. Instantly they decree, That upon all occasions of meeting, he shall have the precedency of the King; That he shall make his entrance into the Royal Palace in that form of State, which is used by the Kings of *Spain* on the Day of their Coronation, and that one of the chief Quarters in the King's House shall be prepared for his Lodgings; That an hundred of the Guard attend him, and all the Council obey him as the King's own Person. D

The common sort did magnifie this brave adventure, and express his welcome by shouts and acclamations of joy; and presently they marry him to the *Infanta*, as it were, by publick Voce. And the King, to please him E

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20 Jacobi.
The Prince
sees the Infan-
ta.

Is entertained
honourably by
the King.

him with a sight of his Mistris, went abroad to visit a Monastery, with the Queen, the *Infanta*, and his Brothers *Don Carlos* and the *Infant Cardinal*: So that his Highness had the happiness of a full view in several places.

The King in Person gave him several visits, and forced him to take the hand and place of him. Divers Grandees, and prime Officers of State, came to present their service, and as yet none did visit him but by the A King's special order. A General Pardon was published; the Prisons were opened, and hundreds of Offenders were set at liberty; and a late Proclamation against Excess in Apparel was revoked. Neither may we forget the King's strain of Complement in the advancement of *Gondomar*, to whom he ascribed his great contentment and honour received by his Highness's presence; That he had madethe *Conde* (whom he was pleased to term an *English-man*) one of his Council of State, to the end that his Highness might be confident of their proceedings, and privy to all their passages.

B The Prince, on the day of publick Entrance, was attended in the Morning by the *Conde Gondomar*, and divers Counsellor's of State, to S. Jerome's Monastery, the place whence the Kings of Spain are wont to make their solemn entrance into Madrid on the day of their Coronation: There the Prince was feasted, and served by divers great Officers of State, waiting bare-headed. After dinner, the King came to conduct his Highness through the Town to the Royal Palace, having prepared all things for the Solemnity in the greatest magnificence and splendor.

Makes his en-
trance pub-
lickly into Ma-
drid.

C The King setting the Prince on his right hand, they rode in great glory, under a Canopy of State, supported by the *Regidors* of the Town, who were arrayed in Cloth of Tissue: The Nobility and Grandees of Spain attended by their several Liveries, all very rich and costly, went before; And after came the Marquis of *Buckingham*, and the *Conde Olivares*, executing their places of Masters of the Horse; After them followed the Earl of *Bristol* and Sir *Walter Aston*, accompanied with divers Counsellors of State, and Gentlemen of the King's Chamber.

D And being alighted at the Palace-gate, the King led the Prince to the Queen's Quarters, where having entred her Chamber, he was met and received by her with great respect, in manner becoming the state of great Princes; three Royal Seats were placed, the Queen sat in the middle, the Prince on her Right hand, and the King on the Left. His Highness was thence conducted by the King, to the Lodgings prepared for him; where, after they had conversed a while, the King left him.

E After a little pause, the Queen, by her *Major-domo*, gave him a further and very Noble welcome, with sundry rich Presents, as Perfumes, and costly Wearing Linnen. The King sent him two Golden Keys, which would open all his Privy-lodgings, and his Bed-chamber, giving him to understand, that he had free access unto him at all hours.

The King sent
the Prince two
Golden Keys.

F The Counsellors of State presented themselves, to let him know, That by the King's express command they were to obey his Highness as exactly, as the King himself. He was constantly attended and served with Grandees and Titulaires, and was entertained with many Shews and Triumphs, and several daily Pastimes. And one day running at the Ring, in company of divers of the Nobility, his Highness was the onely Person that bore the Ring away, and that in presence of the *Infanta* his Mistris, which was interpreted a good Omen at the beginning of his Atchievement. In fine, there wanted nothing which the wit of Man could devise for the height

The Grandees
are com-mand-
ed to attend
his Highness.

An. 1623.

The Marquis
of Bucking.^m
made Duke.The People
talk, that the
Prince is come
to change his
Religion.Endeavours to
make the
Prince change
his Religion.^{*} Quare Apo-
stolicis literis
hortamus Ca-
tholicam Ma-
jistram, ut
eum principem
redigere su-
ziter conetur sub Romane Ecclesie ditionem, cui veteres Magne Britanniae Domini, coronatum caput, & imperii fasces
(Carlo plaudentes) submiserant.

Quare te monemus, ut ad Catholicum Regem religiosus consiliarius accedas, easque rationes despicias quibus insigne aliquod beneficium Britanniae Regni & Romane Ecclesie in praesenti rerum opportunitate comparetur. Res ipsa magna atque gravissima est; quare eam verbis amplificare non debemus; Regnum Cælorum Britanniae Principi patiscere, Regnum Britannie fidei Apostolice restituere incipit, qui Regum illius Adolescentis animum Catholicæ Religionis studio inflammavit, atque Hereticæ impietatis odio implavit, &c.

The Pope's
Letter to the
Prince of
Wales.

Most Noble Prince, We wish you the health and light of God's grace. Forasmuch as Great Britain hath alwayes been fruitful in Vertues, and in Men of great worth, having filled the one and the other World with the glory of her renown, she doth also very often draw the thoughts of the holy Apostolical Chair to the consideration of her praises. And indeed, the Church was but then in her Infancy, when the King of Kings did choose Her for his Inheritance; and so affectionately, that 'tis believed, the Roman Eagles were hardly there, before the Banner of the Cross. Besides that, many of her Kings instructed in the knowledge of the true Salvation, have preferred the Cross before the Royal Scepter, and the Discipline of Religion before Covetousness; leaving examples of piety to other Nations, and to the Ages yet to come: so that having merited the Principalities, and first places of blessedness in Heaven, they have obtained on Earth the triumphant ornament of Holiness. And although now the state of the English Church is altered, We see, nevertheless, the Court of Great Britain adorned and furnished with Moral Vertues, which might serve to support the charity we bear unto her, and be an Ornament to the Name of Christianity, if withall she should have for her defence and protection the Orthodox and Catholick Truth. Therefore by how much the more the glory of your most Noble Father, and the apprehension of your Royal inclination delighteth us; with so much more zeal we desire, that the Gates of the Kingdom of Heaven might be opened unto you, and that you might purchase to your self the love of the Universal Church.

Moreover,

height of outward glory: The Governours of the Town presented the Marquis of Buckingham with the rich Cloath of State, which was born over the King and Prince in the great Solemnity, as a Fee belonging to the Place which he then executed,

From the Court of England, many Lords and Gentlemen went after the Prince, that by a splendid Train and Retinue of his own People, he might appear as the Prince of England. And the Marquis of Buckingham was then made a Duke, by a Patent from England.

This magnificent Entertainment, and the universal joy in Spain, was grounded on the hope of the Prince's turning Catholick: For the voice of the people went, that he was come to be a Christian. And the Conde Olivares, when he gave him the first visit, did congratulate his arrival with these expressions, "That the Match would be made presently, and that "the King of Spain and England should divide the World between them; "for that he did not question, but he came thither to be of their Religion. Whereunto the Prince answered, That he came not thither for Religion, but for a Wife.

But there wanted no endeavours to reconcile the Prince, and, by him, the British Dominions to the See of Rome. Gregory the Fifteenth, then Pope, * exhorted the Bishop of Conchen, Inquisitor General of Spain, to improve the opportunity: And he sought to charm the Prince, by writing a very smooth Letter to him: Yea, he condescended to write to Buckingham, his Guide and Familiar, to incline him to the Romish Religion. And the Pope also wrote a Letter to the Prince, the tenour whereof followeth.

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Moreover, it being certain that Gregory the Great, of most blessed Memory, hath introduced to the People of England, and taught to their Kings the Law of the Gospel; and the respect of Apostolical authority; We, as inferior to him in holiness and virtue, but equal in name and degree of dignity, think it very reasonable, that we following his blessed footsteps, should endeavour the Salvation of those Provinces, especially at this time, when your design (most noble Prince) elevates us to the hope of an extraordinary advantage. Therefore, as you have

- A directed your journey to Spain towards the Catholick King, with desire to Ally your self to the House of Austria, we do commend your design, and indeed, do testify openly in this present business, that you are he that takes principal care of our Prelacy: For, seeing that you desire to take in Marriage the Daughter of Spain, from thence we may easily conjecture, that the ancient seeds of Christian Piety which have so happily flourished in the Hearts of the Kings of Great Britain, may (God prospering them) revive again in your Soul. And indeed it is not to be believed, that the same Man should love such an Alliance, that hates the Catholick Religion, and should take delight to oppress the Holy Chair. To that purpose we have commanded that most humble Prayers be made continually to the Father of Lights, that he would be pleased to put you as a fair Flower of Christendom, and the only hope of Great Britain, in possession of that most noble Heritage which your Ancestors purchased for you, to defend the Authority of the Sovereign High-Priest, and to fight against the Monsters of Heresie. Remember the dayes of old, enquire of your Fathers, and they will tell you the way that leads to Heaven, and what way the Temporal Princes have taken to attain to the Everlasting Kingdom. Behold the Gates of Heaven opened. The most holy Kings of England, who came from England to Rome accompanied with Angels, did come to Honour and do homage to the Lord of Lords, and to the Prince of the Apostles in the Apostolical Chair; their Actions and their examples being as so many voices of God, speaking and exhorting you to follow the course of the lives of those, to whose Empire you shall one day attain.

- D Is it possible that you can suffer that the Hereticks should hold them for impious, and condemn those whom the Faith of the Church testifies to reign in the Heavens with Jesus Christ, and have command and authority over all Principalities and Empires of the Earth? Behold how they tender you the hand of this truly happy Inheritance, to conduct you safe and sound to the Court of the Catholick King, and who desire to bring you back again into the lap of the Roman Church; beseeching with unspeakable sighs and groans the God of all mercy for your Salvation, and to stretch out to you the Arms of the Apostolical charity to embrace you with all Christian affection, even you that are her desired Son, in shewing you the happy hope of the Kingdom of Heaven. And indeed, you cannot give a greater consolation to all the People of the Christian World, than to put the Prince of the Apostles in possession of your most noble Island, whose Authority hath been held so long in the Kingdom of Britain for the defence of Kingdoms, and for a Divine Oracle. The which will easily come to pass, and that without difficulty, if you open your heart to the Lord that knocks; upon which depends all the happiness of that Kingdom. It is from this our great Charity, that we cherish the praises of the Royal Name, and that which makes us desire that you and your Royal Father may be stiled with the names of Deliverers and Restorers of the ancient and paternal Religion of Great Britain.

F This is it we hope for, trusting in the goodness of God in whose hands are the hearts of Kings, and who causeth the People of the Earth to receive healing, to whom we will alwayes labour with all our power to render you gracious and favourable

An. 1623.

favourable. In the interim take notice by these Letters of the care of our Charity, which is none other than to procure your happiness: and it will never grieve us to have written them, if the reading of them stir but the least spark of the Catholick Faith in the Heart of so great a Prince, whom we wish to be filled with long continuance of Joy, and flourishing in the glory of all Virtues.

Given at Rome in the Palace of St. Peter, the 20. of April, 1623. in
The Third Year of our Popedom.

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*Gregorius P. P. XV.
Duci Buckinghamiae.*

Nobilis Vir, salutem & lumen Divinæ gratiæ. Authoritas qua Nobilitatem tuam in Britannia Regia florere accipimus, non modo meritorum præmium, sed virtutis patrocinium habetur. Egregium plane decus, atque adeo dignum, cui populi illi addi cupiant diuturnitatem: verum vix dici potest quantum ei cumulus gloriæ in orbe terrarum accederet, si (Deo favente) foret Catholicae religionis præsidium; facultatem certe nancisceris, qua te eorum Principum conciliis inferere potes, qui nominis immortalitatem adepti ad cœlestia regna pervenerunt. Hanc tibi a Deo tributam, & a Pontifice Romano commendatam occasionem, ne elabi patiare. Nobilis vir, non te præterit, regalium consiliorum conscientiam, quo in loco Britannia res hac estate sit, quibusque Spiritus Sancti loquentis vocibus, Principum tuorum aures quotidie personent. Quæ gloria esset nominis, si te hortatore ac suasore, Anglicani Reges cœlestem illius gloriæ hæreditatem recuperarent quam Majores eorum amplissimam in iis regnis reliquerunt, divini cultus incrementa curando & Pontificiæ authoritatis ditione, non solum tuenda, sed etiam propaganda! Multi fuerunt, atque erunt in posterum, quos benevolentia Regum perituriis divitiis locupletavit, & invidiosis titulis auxit; atque ut id Nobilitas tua consequatur, non ideo sempiternis laudibus nomen tuum memor posteritas collet; at enim si consilia tua potentissimos

*Pope Gregory to the
D. of Buckingham.*

Right honourable, we wish you health and the light of Gods Grace. The authority which we understand you have in the Court of England, is accounted not onely the reward of Merit, but the patronage of Virtue. A remarkable honor indeed, and of such worth, that the people there ought to pray for its continuance: but it can scarce be express what an access of glory it would receive in the World, if by the grace of God it should become the safeguard of the Catholick Religion. You have the means to ingraft your self into the assembly of those Princes, who having obtained an immortal Name, have purchased the heavenly inheritance. Suffer not, Honorable Sir, this occasion to slip out of your hands, afforded you by God, and recommended to you by the Pope of Rome. You are not ignorant, as intimate in the Kings Counsels, in what condition the affairs of England are in this our Age, and with what voices of the Holy Ghost speaking, the ears of your Princes daily tingle. How greatly would you be renown'd, if by your perswasion and admonition, the Kings of England should obtain the Heavenly Inheritance of that glory which their Ancestors left them most ample in those Kingdoms, by taking care of the increase of Gods worship, and not onely defending, but propagating the Dominions of the Popes Authority! There have been, and will be many hereafter, whom the favour of Kings hath much enriched with Wealth that fadeth away, and honoured with envious Titles: And if your Honour attain this, Posterity will not therefore adore your memory

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- A memory with everlasting praises ; but if your advice should reduce Potent Kings and Nations to the Lap of the Church, your Name would be written in the Book of the Living, whom the pangs of Death assault not ; and the Records of Historians would number you among those Sages in whose light and conduct Kings have walked. And with what comfort of the present life and reward of the future, that God who is rich in mercy would recompence you, they easily foresee who are acquainted with the skill and violence by which the Kingdom of Heaven is conquered : That we wish you to be partaker of so great happiness, not only our Papal Charity moves us (to whose care the Salvation of Mankind belongeth) but also the Piety of your Mother, who having brought you forth to the World, desires to bring you forth again to the Church of Rome, whom she acknowledges for her Mother. Therefore Didacus de la Fuente our beloved Son, a Fryer, who hath prudently managed the most important affairs of your Princes here in Rome, being to go to Spain, we have commanded him to wait upon your Honour, and to deliver you those Apostolical Letters to evidence the greatness of our Papal Charity, and our desire of your Salvation. You may be pleased to hearken to him, as the Interpreter of our mind, and one adorned with those Virtues, which have been able to purchase the love of Foreign Nations to a Catholick and a Regular Priest. Truly he hath spoken such things of you in this Country of the World, that he is worthy whom you should cherish with a singular affection, and protect with your Authority, as one studious of the glory and safety of the King and People of Great Britain. We will pray the Father of Mercies, that he would open the Doors of the Kingdom of Heaven to your Honour, and afford you frequent Evidences of his Clemency.

Given at Rome apud sanctam Mariam Majorem sub Annulo Piscatoris, 19. Maii, 1623. being the third year of Our Reign.

mos Reges populosque ad Ecclesiam gremium reducerent ; scriberetur nomen tuum in libro viventium quos non tangit tormentum mortis ac te Historiarum Monumenta in eos sapientes referent in quorum splendore Reges ambulaverunt. Qui bus autem te praesentis vita solatiis & futurae premiis remuneratur Deus ille, qui dives est in misericordia, omnes facile provident quibus nota est ars, & vis, qua Regnum Cœlorum expugnatur. Tantæ te felicitatis compotem fieri ut cupiamus efficit non solum Pontifica Charitas, ad cuius curas totius humani generis salus pertinet, sed etiam genetricis tuæ pietas, quæ cum te mundo peperit Romana etiam Ecclesiam quam ipsa matrem suam agnovit iterum parere cupit : Proin cum in Hispanias profectionem paret dilectus Filius religiosus vir *Didacus de la Fuente*, qui gravissima principum tuorum negotia in urbe sapienter Administravit, ei mandavimus ut Nobilitatem tuam adeat atque has Apostolicas Literas deferat quibus Pontificia Charitatis magnitudo & salutis tuæ cupido declaretur. Cum ergo audire poteris sententiam nostræ interpretem, atque iis virtutibus instructum quæ exterarum Nationum amorem Catholico etiam & Religioso Sacerdoti concilare potuerunt. Ille quidem ea de te in hac orbis Patria prædicavit, ut dignus sit quem singulari affectu complectaris & Authoritate tua Munias Britannorum Regum populorumque saluti & gloriæ inservientem nos quidem Patrem Misericordiarum Orabimus ut Nobilitati tuæ cœlestis Regni fores patefaciat & frequentia prebeat Clementia suæ documenta.

Datum Romæ apud sanctam Mariam Majorem sub Annulo Piscatoris, die 19. Maii, 1623. Pontificatus nostri tertio.

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The

An. 1623.

The Prince of *Wales* returned this following Answer to the Popes Letter (according to a Copy preserved by some then in *Spain* at the Treaty.)

*C A R O L U S Princeps
Gregorio P. P. X V.*

*Prince Charles to Pope
Gregory XV.*

Sanctissime Pater,

There is another Copy of the Princes Letter to the Pope, published by several hands, somewhat different from this.

BEATITUDINIS VESTRÆ Literas non minore gratitudine & observantia accepimus, quam exigat ea qua novimus exaratas insignis benevolentia, & pietatis affectus. Atque illud imprimis gratum fuit, nunquam satis laudata Majorum exempla inspicienda Nobis à vestra Sanctitate atque imitanda fuisse proposita: Qui licet multoties omnium fortunarum & vitæ ipsius discrimen adiverint, quo fidem Christianam latius propagarent, haud tamen alacriori animo in infestissimos Christi hostes, Crucis Christi vexilla intulerunt, quam nos omnem opem & operam adhibebimus ut quæ tam diu exaltavit pax & unitas, in Christianam Rempublicam postliminio reducatur. Cum enim Discordiarum Patris malitia inter illos ipsos qui Christianam profitentur Religionem tam infelicia seminarit dissidia, hoc vel maximè necessarium ducimus ad Sacro-sanctam Dei & Salvatoris Christi gloriam fælicius promovendam. Et minori nobis honori futurum existimabimus, tritam Majorum nostrorum vestigiis insistentes viam, in piis ac Religiosis suscepitis illorum æmulos atque imitatores extitisse, quam genus nostrum ab illis atque originem duxisse. Atque ad idem nos istud plurimum inflamat perspecta nobis Domini Regis ac Patris nostri voluntas, & quo flagrat desiderium ad tam Sanctum opus porrigiendi manum auxiliatricem, tum qui Regium pectus exedit dolor, cum perpendit quam fævæ exhoriuntur strages, quam deplorandæ

Most Holy Father,

WE have received your Letter with no less thankfulness and respect, than is due to the singular good will and godly affection wherewith we know it was written. It was most acceptable unto us, that the never enough Renowned Examples of our Ancestors were proposed to us by your Holiness for our inspection and imitation; who, though they often hazarded their Lives and Fortunes to propagate the Christian Faith, yet did they never more clearly display the Banners of the Cross of Christ against his most bitter enemies, than we will endeavour to the utmost, that the Peace and Union which so long triumphed, may be reduced into the Christian World, after a kind of Elimination or Exile. For since the malice of the Father of discords hath sowed such unhappy divisions amongst those who profess the Christian Religion, We account this most necessary thereby to promote with better success, the glory of God and Christ our Saviour; nor shall we esteem it less honour to tread in their footsteps, and to have been their Rivals and Imitators in Holy undertakings, than to have been descended of them. And we are very much encouraged to this as well by the known inclination of our Lord and Father, and his ardent desire to lend a helping hand to so pious a work, as by the anguish that gnaws his Royal Breast, when he considers what cruel destructions, what deplorable calamities arise out of the dissensions of Christian Princes. Your Holiness conjecture of our desire to contract an Alliance and Marriage with a Catholick Family and Princeſſ, is

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21 Iunii.

- A agreeable bath to your Wisdom and Charity; for we would never desire so vehemently to be joyned in a strict and indissoluble Bond with any Mortal whatsoever, whose Religion we hated. Therefore your Holiness may be assured, That we are, and always will be of that Moderation, as to abstain from such actions, which may testify our hatred against the Roman Catholick Religion; we will rather embrace all occasions whereby through a gentle and fair procedure all sinister suspicions may be taken away; That as we all confess one Individual Trinity and one Christ Crucified, we may unanimously grow up into one Faith. Which that we may compass, we little value all Labour and watchings, yea, the very hazard of our lives. It remains, that we render thanks to your Holiness for your Letter, which we esteem as a singular present, and wish your Holiness all prosperity and Eternal happiness.

Dated at Madrid,
20 Junii, 1623.

plorandæ calamitates ex principum Christianorum dissensionibus. Judicium vero quod Sanctitas vestra tulit de nostro cum domo ac Principe Catholico Affinitatem & Nuptias contrahendi desiderio, & Charitati vestræ est consentaneum, nec à sapientia invenietur alienum. Nunquam tanto quo ferimur studio, nunquam tam arcto & tam indissolubili vinculo ulli Mortalium conjungi cuperemus, cuius odio Religionem prosequeremur. Quare Sanctitas vestra illud in animum inducat, ea modo nos esse semperque futuros moderatione, ut quam longissime abfuturi simus ab omni opere quod odium testari possit ullam adversus Religionem Catholicam Romanam: Omnes potius captabimus occasiones quo leni benignoque rerum cursu finistræ omnes suspicione è medio penitus tollantur. Ut sicut omnes unam individuam Trinitatem, & unum Christum Crucifixum Confitemur, in unam fidem unanimiter coalescamus: Quod ut assidue quamur, labores omnes atque vigilias, Regnorum etiam atque vitae pericula parvi pendimus. Reliquum est ut quas possumus maximas, pro literis quas insignis muneris loco ducimus, gratias agentes, Sanctitati vestræ omni a prospera & felicitatem æternam comprecamur.

Datum Matriti,
20 Junii,
1623.

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Orations, Processions, and pompous Shows were made in Spain, to allure the Prince to Popery; Popish Books were dedicated, and Popish Pictures presented to him. They carried him to the most Religious places, and to Persons famous for pretended Miracles. And they shew him of what importance his Conversion is, to the gaining of a large entrance into the Infanta's affection, and a smooth path to this Catholick Marriage. And in case a Rebellion in England should follow his change of Religion, they offer an Army to subdue the Rebels.

But the Prince remained stedfast in his Religion; neither did he express any shew of change.

But as to the interior carriage of Affairs, notwithstanding his Splendid entertainment to the height of Princely State, yet in the main busi-

Allurements
to make the
Prince change
his Religion.

The Prince
stedfast in his
Religion.

An. 1623.

Is not well
dealt with in
his Address to
the *Infanta*.
The Dispensa-
tion is at last
procured.

The Dispensa-
tion comes
clogged.

Olivares pro-
poses wayes of
Accomoda-
tion.

The King of
Spain proffers
to engage
himself on
the behalf of
the King of
England and
the Prince.

His Ghostly
Fathers ap-
prove his in-
tentions.

nels he was meanly dealt with, and in his Addresses to the *Infanta*, un-
worthily restrained and undervalued.

The dispensation sticks long in the Birth, but after a tedious Travel, it was brought forth. Mr. George Gage advertised the King from Rome, that the Cardinals made mention of him in most honourable Language, and had a firm opinion, that the former Rigor towards Catholicks, hath risen from others, but the Graces vouchsafed to them from himself; and they were now confident that such potent intercessions having been made with him, and all civil jealousies removed, he will not only command a real performance of what is promised, but according to his own Loyal heart, will enlarge the benefit.

Furthermore, he assured the King, That such difficulties as were already spent, and were yet to come, have been laid hold on by the Cardinals, neither to frustrate, nor prolong this Treaty, but out of an opinion, that otherwise they could not secure their Consciences, proceed upon a just and valuable ground, and satisfie the judgments of such discreet Persons, as may in times to come understand the passages of this great Busines.

So the long solicited Dispensation came from Pope *Gregory the Fifteenth*, to the Court of Spain. But whereas it was expected full and absolute, it came with a Clog a Clause thrust in of purpose to retard the proceedings.

That whereas there were certain Articles condescended unto by the King of England, in favour of the Roman Catholicks in his Dominions, Caution should be given for the performance of those Concessions. The King answered, That he could give no other Caution, than his own and the Princes Oath, exemplified under the Great Seal of England. But this would not satisfie, unless some Sovereign Catholick Prince would stand engaged for them. Hereupon the frame of things was like to fall asunder, and a rumor went, that the Prince intended to get away covertly.

Amidst the heats of this dispute, Olivares (whether in a humor or good earnest) propounded three wayes of accommodation : the first was, That Prince Charles should become Catholick. The second, That the Infanta should be delivered to him upon the former security without further condition. The third was, To bind him as fast as they could, and not trust him with any thing. And of these three wayes, he said, The two former were good, but the last was a bad one.

At length the King of Spain proffered to engage himself by Oath on the behalf of the King and Prince for the performance of the Articles. Provided, That he first consult with his Ghostly Fathers, whether he might do it with a safe Conscience. This was a fair contrivance, whereby that King might not only oblige our King and Prince, but lay the ground-plot of a fair pretence of War against England, if the Roman Catholicks received not satisfaction in the enjoyment of the Freedom promised. Besides, he would form a Party in these Dominions to a Dependance upon his Protection.

A Juncto of Divines were called to determine upon the Case, and they go very gravely and tediously to work, and protract the time almost beyond the bounds of the Princes patience ; but they conclude at last Affirmatively. And in case the King of England fail to execute what was stipulated, the King of Spain was to vindicate his Oath, and right himself by the Sword.

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21 Jacobi.
The Match is declared publickly.

Then was the Match declared publickly, and the Prince had frequent access to the *Infanta*, yet alwayes in publick manner, and in the Kings presence.

Whilst these things were forging in *Spain*, there were not wanting such as warned the King, and tended safer Counsels. The Archbishop of *Canterbury* was bold to press him close in this serious Letter.

A

May it please your Majesty,

I Have been too long silent, and am afraid by my silence I have neglected the duty of the place it hath pleased God to call me unto, and your Majesty to place me in : But now, I humbly crave leave, I may discharge my Conscience towards God, and my duty to your Majesty; and therefore, I beseech you freely to give me leave to deliver my self, and then let your Majesty do with me what you please. Your Majesty hath propounded a Toleration of Religion, I beseech you take into your consideration what your Act is, what the Consequence may be. By your Act you labour to set up the most Damnable and Heretical Doctrine of the Church of Rome, the Whore of Babylon : How hatefull it will be to God, and grievous to your good Subjects, the Professors of the Gospel, That your Majesty who hath often disputed, and learnedly written against those Heresies, should now shew your self a Patron of those wicked Doctrines which your Pen hath told the World, and your Conscience tells your Self, are Superstitious, Idolatrous, and Detestable. And hereunto I add what you have done in sending the Prince into Spain without consent of your Council, the Privity and Approbation of your People : And although you have a Charge and interest in the Prince, as Son of your Flesh ; yet have the People a greater, as Son of the Kingdom, upon whom next after your Majesty are their Eyes fixed, and welfare depends ; and so tenderly is his going apprehended, as (believe it) however his return may be safe ; yet the drawers of him into this Action, so dangerous to himself, so desperate to the Kingdom, will not pass away unquestioned, unpunished. Besides, this Toleration which you endeavour to set up by your Proclamation, cannot, be done without a Parliament, unless your Majesty will let your Subjects see that you will take unto your self ability to throw down the Laws of your Land at your pleasure. What dread consequence these things may draw afterward, I beseech your Majesty to consider, and above all, left by this Toleration and discountenancing of the true Profession of the Gospel, wherewith God hath blessed us, and this Kingdom hath so long flourished under it, your Majesty do not draw upon this Kingdom in general, and your self in particular, Gods heavy wrath and indignation.

Thus in discharge of my duty towards God, to your Majesty and the place of my calling, I have taken humble leave to deliver my Conscience. Now Sir, do what you please with me.

F The King would not admit any motion of drawing back, but in going forward, he would yield to all demands, and was accordingly scrued up to the greatest height.

So at last the Difficulties in *Rome* and *Spain* were all surmounted ; and then these following Articles (styled by the Cardinals, *Propositions for the right Augmentation and Weal of the Roman Catholick Religion*) were sworn unto by the King, Prince and Privy Council.

“I. That

The Archbishops Letter to the King, against Toleration of Popery.

An. 1623.

Articles by
to the King
Prince, and
Privy Council.

- I. "That the Marriage be made by Dispensation of the Pope, but
 "that to be procured by the endeavour of the King of Spain.
- II. "That the Marriage be once only celebrated in *Spain*, and ratified
 "in *England*, in form following. In the Morning after the most Gracious
 "*Infanta* hath ended her Devotions in the Chappel, she and the Most Ex-
 "cellent Prince *Charles*, shall meet in the Kings Chappel, or in some other
 "Room of the Palace, where it shall seem most expedient; and there shall A
 "be read all the Procurations, by virtue whereof the Marriage was cele-
 "brated in *Spain*; and as well the most Excellent Prince, as the most Ex-
 "cellent *Infanta*, shall ratifie the said Marriage celebrated in *Spain*, with
 "all solemnity necessary for such an Act; so as no Ceremony, or other
 "thing intervene, which shall be contrary to the *Roman Catholick Aposto-*
lick Religion.
- III. "That the most Gracious *Infanta*, shall take with her such Servants B
 "and Family as are convenient for her service; which Family, and all
 "Persons to her belonging, shall be chosen and nominated by the Catho-
 "lick King: So as he nominate no Servant which is Vassal to the King of
 "*Great Britain*, without his will and consent.
- IV. "That as well the most Gracious *Infanta* as all her Servants and C
 "Family, shall have free use and publick Exercise of the *Roman Catho-*
lick Religion, in manner and form as is beneath capitulated.
- V. "That she shall have an Oratory and Decent Chappel in her C
 "Palace; where at the pleasure of the most Gracious *Infanta*, Masses
 "may be celebrated; and in like manner she shall have in *London*, or
 "whereroever she shall make her abode, a Publick and Capacious Church
 "near her Palace, wherein all Duties may be solemnly celebrated, and
 "all other things necessary for the Publick Preaching of Gods Word,
 "the Celebration and Administration of all the Sacraments of the Catholick
 "*Roman Church*, and for Burial of the Dead, and Baptizing of Children.
 "That the said Oratory, Chappel and Church, shall be adorned with such
 "decency as shall seem convenient to the most Gracious *Infanta*.
- VI. "That the Men-servants, and Maid-servants of the most Gracious D
 "*Infanta*, and their Servants, Children, and Descendants, and all their
 "Families of what sort soever serving her Highness, may be freely and pub-
 "licly Catholicks.
- VII. "That the most Gracious *Infanta*, her Servants and Family, may E
 "live as Catholicks in form following. That the most Gracious *Infanta*
 "shall have in her Palace her Oratory and Chappel so spacious, that her
 "said Servants and Family may enter and stay therein; in which there shall
 "be an ordinary and publick Door for them, and another inward Door, by
 "which the *Infanta* may have a passage into the said Chappel where she and
 "others, as above-said, may be present at Divine Offices.
- VIII. "That the Chappel, Church, and Oratory may be beautified F
 "with decent Ornments of Altars, and other things necessary for Divine
 "Service, which is to be celebrated in them according to the custom of the
 "Holy *Roman Church*, and that it shall be lawful for the said Servants and
 "others to go to the said Chappel and Church at all hours, as to them shall
 "seem expedient.
- IX. "That the care and custody of the said Chappel and Church shall G
 "be committed to such as the Lady *Infanta* shall appoint, to whom it
 "shall be lawful to appoint Keepers, that no body may enter into them to
 "do any undecent thing.

X. "That

20 Jacobi.

X. "That to the Administration of the Sacraments, and to serve in Chappel and Church aforesaid, there shall be Four and twenty Priests and Assistants, who shall serve Weekly or Monthly, as to the Infanta shall seem fit, and the Election of them shall belong to the Lady Infanta, and the Catholick King. Provided, That they be none of the Vassals of the King of Great Britain, and if they be, his will and consent is to be first obtained.

A XI. "That there be one Superior Minister or Bishop, with necessary Authority upon all occasions which shall happen belonging to Religion; and for want of a Bishop, that his Vicar may have his Authority and Jurisdiction.

B XII. "That this Bishop or Superior Minister, may Correct and Chastise all Roman Catholicks who shall offend, and shall exercise upon them all Jurisdiction Ecclesiastical: And moreover also, the Lady Infanta shall have power to put them out of her service, whensoever it shall seem expedient to her.

C XIII. "That it may be lawful for the Lady Infanta and her Servants, to procure from Rome, Dispensations, Indulgences, Jubilees, and all Graces, as shall seem fit to their Religion, and Consciences; And to get and make use of any manner of Catholick Books whatsoever.

D XIV. "That the Servants and Family of the Lady Infanta, who shall come into England, shall take the Oath of Allegiance to the King of Great Britain: Provided, That there be no clause therein which shall be contrary to their Consciences, and the Roman Catholick Religion; and if they happen to be Vassals to the King of Great Britain, they shall take the same Oath that the Spaniards do.

E XV. "That the Laws which are or shall be in England against Religion shall not take hold of the said Servants; and only the foresaid Superior Ecclesiastical Catholick may proceed against Ecclesiastical Persons, as hath been accustomed by Catholicks: And if any Secular Judge shall apprehend any Ecclesiastical Person for any offence, he shall forthwith cause him to be delivered to the aforesaid Superior Ecclesiastick, who shall proceed against him according to the Canon Law.

F XVI. "That the Laws made against Catholicks in England, or in any other Kingdom of the King of Great Britain, shall not extend to the Children of this Marriage; and though they be Catholicks, they shall not lose the right of Succession to the Kingdom and Dominions of Great Britain.

XVII. "That the Nurses which shall give suck to the Children of the Lady Infanta, (whether they be of the Kingdom of Great Britain, or of any other Nation whatsoever) shall be chosen by the Lady Infanta, as she pleaseth, and shall be accounted of her Family, and enjoy the privileges thereof.

XVIII. "That the Bishop, Ecclesiastical and Religious Persons of the Family of the Lady Infanta, shall wear the Vestment and Habit of their Dignity, Profession, and Religion, after the Custom of Rome.

XIX. "For security that the said Matrimony be not dissolved for any cause whatsoever: The King and Prince are equally to pass the Word and Honour of a King; and moreover, that they will perform whatsoever shall be propounded by the Catholick King for further confirmation, if it may be done decently and fitly.

X X. "That

An. 1623.

X X. "That the Sons and Daughters which shall be Born of this Marriage, shall be brought up in the company of the most Excellent Infants, at the least, until the age of Ten years, and shall freely enjoy the right of Successions to the Kingdoms, as aforesaid.

X XI. "That whensoever any place of either Man-servant, or Maid-servant, which the Lady *Infanta* shall bring with her (nominated by the Catholick King her Brother) shall happen to be void, whether by death, or by other cause or accident, all the said Servants of her Family are to be supplyed by the Catholick King as aforesaid.

X XII. "For security that whatsoever is capitulated, may be fulfilled, The King of Great Britain, and Prince Charles, are to be bound by Oath; and all the Kings Council shall confirm the said Treaty under their hands: Moreover the said King and Prince are to give their Faiths in the Word of a King, to endeavour, if possible, That whatsoever is capitulated, may be established by Parliament.

X XIII. "That conformable to this Treaty, all these things proposed, are to be allowed and approved of by the Pope, that he may give an Apostolical Benediction, and a Dispensation necessary to effect the Marriage.

The Oath taken by the King and Prince, was as followeth.

The Oath.

WE Ratifying and confirming the aforesaid Treaty, and all and every Capitulation contained, and specified in the same, do approve, applaud, confirm, and ratifie of our certain knowledge, all and every of these things in as much as they concern our Selves, our Heirs, or our Successors: And we promise by these presents in the word of a King, to keep, fulfil, and observe the same; and to cause them to be kept, fulfilled, and observed inviolably, firmly, well and faithfully, effectually, Bona fide, without all exception, and contradiction. And we confirm the same with an Oath upon the Holy Evangelists, in the presence of the Illustrious and Noble John de Mendoza, Charles de Colona, Ambassadors of the most Gracious Catholick King residing in our Court.

In testimony and witness of all and every the premises, we have caused our Great Seal to be put to those Articles subscribed by our Hands there, in the presence of the most reverend Father in Christ, George Archbishop of Canterbury, Primate of all England, and the Reverend Father in Christ, John Bishop of Lincoln, Lord Keeper of the Great Seal of England, Lionel Cranfield, Chief Treasurer of England, Henry Viscount Mandeville, President of our Council, Edward Earl of Worcester, Keeper of the Privy Seal, Lewis Duke of Richmond and Lenox, Lord Steward of our Household, James Marquess Hamilton, James Earl of Carlisle, Thomas Earl of Kelly, Oliver Viscount Grandeson, &c. and George Calvert Knight, one of our Chief Secretaries of State, and all our Privy Council.

Given at our Palace of Westminster, &c.

JACOBUS Rex.

After this the King did swear to certain private Articles in favour of Papists, and for the advancement of the Roman Religion.

JAMES

21 Jacobi.

A

JAMES by the grace of God of Great Britain King, Defender of the Faith, &c. To all to whom this present writing shall come, greeting. Inasmuch as among many other things which are contained within the Treaty of Marriage between our most dear Son Charles Prince of Wales, and the most renowned Lady Donna Maria, Sister of the most renowned Prince and our welbeloved Brother Philip the Fourth King of Spain, It is agreed, That we, by our Oath, shall approve the Articles under exprested to a word:

B

I. That particular Laws made against Roman Catholicks, under which other Vassals of our Realms are not comprehended, and to whose observation all generally are not obliged; as likewise general Laws under which all are equally comprised, if so be they are such which are repugnant to the Romish Religion, shall not at any time hereafter by any means or chance whatsoever directly or indirectly be commanded to be put in execution against the said Roman Catholicks; and we will cause that our Council shall take the same Oath as far as it pertains to them, and belongs to the execution which by the hands of thent and their Ministers is to be exercised.

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2. That no other Laws shall hereafter be made anew against the said Roman Catholicks, but that there shall be a perpetual Toleration of the Roman Catholick Religion, within private Houses throughout all our Realms and Dominions, which we will have to be understood as well of our Kingdoms of Scotland and Ireland as in England; which shall be granted to them in manner and form as is capitulated, decreed and granted in the Article of the Treaty concerning the Marriage.

E

3. That neither by us nor any other interposed Person whatsoever directly or indirectly, privately or publickly, will we treat (or attempt) any thing with the most renowned Lady Infanta Donna Maria, which shall be repugnant to the Romish Catholick Religion; neither will we by any means persuade her that she should ever renounce or relinquish the same in substance or form, or that she should do any thing repugnant or contrary to those things which are contained in the Treaty of Matrimony.

D

4. That We and the Prince of Wales will interpose our Authority, and will do as much as in us shall lie, that the Parliament shall approve, confirm and ratifie all and singular Articles in favour of the Roman Catholicks, capitulated between the most renowned Kings by reason of this Marriage; And that the said Parliament shall revoke and abrogate particular Laws made against the said Roman Catholicks, to whose observance also the rest of our Subjects and Vassals are not obliged; likewise the general Laws under which all are equally comprehended, to wit, as to the Roman Catholicks; if they be such as is aforesaid, which are repugnant to the Roman Catholick Religion; And that hereafter we will not consent that the said Parliament should ever at any time enact or write any other new Laws against Roman Catholicks.

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oreover I Charles Prince of Wales engage my self (and promise that the most Illustrious King of Great Britain, my most honored Lord & Father, shall do the same both by word and writing) That all those things which are contained in the foregoing Articles, & concern as wel the suspension as the abrogation of all Laws made against the Roman Catholicks, shall within three years infallibly take effect, and sooner if it be possible, which we will have to lie upon our Conscience & Royal honor. That I will intercede with the most illustrious King of G. Britain my father, that the X. years of the education of the children which shall be born of this marriage, with the most illustrious Lady Infanta their mother, accorded in the 23 Art. (which term the Pope of

Private Articles sworn to by the King in favour of Roman Catholicks.

An. 1623.

Rome desires to have prorogued to twelve years) may be lengthened to the said term: And I promise freely & of my own accord, si wear, That if it so happen that the entire power of disposing of this matter be devolved to me, I will also grant and approve the said term.

Furthermore I Prince of Wales oblige my self upon my faith to the Catholick King, That as often as the most illustrious Lady Infanta shall require that I should give ear to Divines or others whom her Highness shall be pleased to employ in matter of the Roman Catholick Religion, I will hearken to them willingly without all difficulty, and laying aside all excuse. And for further caution in point of the free exercise of the Catholick Religion, and the suspension of the Law above-named, I Charles Prince of Wales promise and take upon me in the word of a King, that the things above promised and treated concerning those matters, shall take effect and be put in execution as well in the Kingdoms of Scotland and Ireland as of England.

The Privy-Councillors Oath was this :

I A. B. do swear, That I will truly and fully observe, as much as belongeth to me, all and every of the Articles which are contained in Treaty of Marriage between the most gracious Charles Prince of Wales, and the most gracious Lady Donna Maria Infanta of Spain. Likewise I swear, that I will neither commit to execution, nor cause to be executed either by my self, or by any inferior Officer serving me, any Laws made against any Roman Catholick whatsoever, nor will execute any punishment inflicted by any of those Laws, but in all things which belong to me will faithfully observe his Majesties word given in that behalf.

A difficulty concerning the Popes title on the Kings part.

But in the taking of the solemn Publick Oath, it is said there arose a difficulty between the King and the Spanish Ambassadors concerning the Popes Title, *Most holy*; which the King refused to pronounce openly in the Chappel at Whitehall, alleadging that it was repugnant to his Religion, and might be an impeachment to his honour : But the Ambassadors would proceed no further, till the King had yielded to give him that Title.

Another on the Ambassadors part concerning prayers in the Kings Chap-pel.

There was another rub, which the King soon removed. The Ambassadors had heard, that in the Kings Chappel when they should come to see the swearing of the Articles, they should be present at such Prayers and Singing as were used in the Protestant Church ; whereunto they declared that they could not yield, since the end of their coming thither was to maintain and warrant the Catholick, Apostolical and Roman Church ; Whereupon the King commanded, that nothing should then be sung, but, what was chanted when the Constable of Castile did swear the Peace between the two Crowns, which was an Hymn of Joy in praise of Peace.

A titular Bishop of Calcedon sent into England.

At that time England had swarms of Priests and Jesuits who were busie in drawing the People from the Protestant Religion : And a Titular Bishop of Calcedon privately came to London, to exercise Episcopal Jurisdiction over the Catholicks of this Kingdom.

Preparations for conducting the Infanta into England.

'Tis said that King James had now so much confidence of the Match, as to say openly in the Court, That now all the Devils in Hell could not break it. In Spain the Infanta was stiled the Princess of England, and was kept no longer in her Virgin retirements. In England a Chappel was building for her at S. James, and Don Carlos de Colona laid the first stone : Her Picture was every where to be seen, and a Fleet was prepared for her passage. And the greatest Enemies to this Alliance submitted to the Kings will. But in all this capitulation between the two Crowns, hitherto the Re-

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Restitution of the Palatinate was laid aside ; the King conceiving that the Consummation of the Match would overrule and settle that affair to his entire satisfaction.

In the heighth of the Spanish Treaty, there was a notable Letter writ from Mr. Allured to the Duke, perswading him not only to endeavour the breaking of the Match with Spain, but also the preventing of any Match with a Princeſ of a different Religion.

21 *Jacobi.*
No mention
made in the
Capitulations
of retiſing
the Palatinate.

Mr. Allured
his Letter to
the Duke.

A **T**He Parable in the Gospel (said he) tells of a great King that Married his Son, and bad many thereunto ; yea, upon the excusal of some and refusel of others, all of whatſoever condition, as well out of the High-wayes (as the High-places) were called and invited. As every true Christian hath an interest in the Marriage of that Kings Son of Heaven, (so every good Subject, as well as every great Subject, hath an interest in the Marriage and welfare of the Kings Son here on Earth. Which occasions ſo many (and me the meanest of those many) to wish that it may bring with it glory to Him on high, good will and peace to thoſe on Earth : which is much doubted cannot be from Spain, ſince the motioning of that Match makes a general fear, that it can neither be ſafe for the Kings Person, nor good for his Church and Common-wealthe, because that thereby there may be an inlet to the Romiſh Locuſts, who like the Cankerworm may in an instant ſmite our Gourd, under whose shadow we ſit ſafe.

B To address this poor diſcourse to your Lordships more particular : Kings have almost ever uſed to have their Fauourites : Alexander had long ſince his Epheſtian, and Henry the Third of France of late his Espronion, and Philip of Spain had ſince his Lermas. Yea, the best Princes have not wanted them : For, after the reckoning of David's great Officers, Hushai the Archyte is called the Kings Friend, and Ira the Jarite is ſet down to have been chief about David. Which stands to Reaſon, and agrees with Nature : For every private Man is left to affect as he likes ; neither can Affection be forced. Now to diſallow or confine that in a King, which is left at liberty in the meanest Subject, were prepoſterous and injurious : For though they command Nations as they are Kings, yet they are ſubject to their Paſſions as they are Men. And if I may alleadge it without miſinterpretation of others, as I am free from ill meaning my ſelf, Who know but Christ the rather to ſhew himſelf a Natural man, expreſſed ſo much the more his Paſſion in his often weeping, and his affection to divers particulars, but eſpecially to St. John, if I may not ſay his Fauourite, certainly the Disciple whom Jeſus loved more than any of the reſt. It is Gods blesſing, and your happiness, if you account it ſo, to be the Kings Fauourite. As Peter therefore not preuuing to ask Christ who it was he ſpake of, beckoned to the Disciple whom Jeſus loved, on whose Breast he leaned, to ask for him ; ſo ſince moſt Men neither may, or ought to be ſo bold to ask or advise the King in this buſineſſ ſo muſch spoken of, yet they point at you, who the higher you are in the Kings favour, the more you are in the Peoples Eye and Obſervation, and they expect you will not be wanting in the duty of a Subject, a Councillor, and a Fauourite. We do not read of any ſervant almoſt better reſpected of his Lord and Maſter, than Eliezar of Daſascus, whom Abraham had meant, had he died Childeſſ, to have made his Heir ; and we read not of any ſervice he did Abraham moſe, at leaſt greater, than in choice of a WIFE for his Son Isaac. Among the Servants of our Patriarch, the Deſender of our Faith, we obſerve none better reſpected than your ſelf ; For the King hath manifested, he loves not your Person only, but takes care for your Soul, and labours to make you as good as great, and as happy in another WWorld, as high in this : Yet we know not wherein you can do him better ſervice, than with Eliezar to help to choose a Rebekah for our hopefull Prince.

Historical Collections.

We have not heard (said he) of any Protestant King that ever married with a contrary Religion, save the last Henry of Navar with the last Margaret of France: which Marriage so unfortunate to the Parties (having never Issue) and being at r^t r^{ur}ls d^rorced, was also so fatal to our Religion, that there was more Blood spilt at those Nuptials, than Wine spent: For while the Protestants dreamt of the glory and security they should have by the Match, they were most miserably massacred. And who doubts but what the French Papists committed in their own Country upon that Colour and occasion, the Spanish Papists would be glad to see done in this Kingdom upon the like? For, without breach of Charity, we may doubt of their sincere meaning, though there be a Treaty of a Match: since in Eighty Eight, evn while there was a Treaty of Peace, their Armado came upon us.

Again, we shall find it was forbidden, in the best People in the World, to Marry with a differing Religion. The injunction, the reason, and the effect are laid down in Deuteronomy to the Jews.

And if we descend to our own Books and Chronicles, we shall find that God hath crossed (if not cursed) our Alliance and Association, particularly with the Spanish Nation; the position of that Countrey, and the disposition of that People being as it were so malignant and ill-agreeing with us. The Prince of the greatest performance that ever this Kingdom or Christendom had, was the Plack Prince: Yet our Chronicle records, that going into Spain to settle Don Pedro in that Kingdom, besides the monstrous ingratitude and perfidiousness of the Spaniard, who failed in the performance of those Conditions he had promised, which caused the miserable Revolt in France to the loss of our inheritance, the Prince was so poisoned in that Countrey, that he never had his health after.

Moreover, he beseeched his Lordship to observe, that all the Marriages which the Heirs and Princes of this Crown have made in England for these last six-score Years, except the several second Matches of Henry the Eighth, have been only and no where but with Spain; which how little God hath blessed, the success shews. Prince Arthur married the Spanish Kings Daughter: We know God took him away suddenly within a very small time, and without any Issue. In a Politick respect, we would yet make a second Match; so Prince Henry (afterwards King) married the same Daughter: But doubtless, God was less pleased with that Match, which was less lawful; and therefore God took away all the Male-children of it and left onely a Daughter, in whose short Reign was shed more Blood for the true Religion in six Years, than for the false in these succeeding sixty Years. We made then a Third Adventure and Marriage with Spain, Queen Mary with King Philip: which was so discontenting to the People, that it caused Wyats Rebellion; so uncomfortable to the Queen, that it brake her heart, being left and neglected of her Husband; and so dishonourable and prejudicial to the Kingdom, that meerly for the Spaniards sake, we having no difference at all with France, we lost Calis in six Dayes, which had been above Two hundred Tears in our possession.

He added lastly, Though I have not so much judgment, nor so little wit as to presume to advise where to Match; yet I assume so much, as to think, a Match at home cannot be held any wayes inconvenient. We find the first and the last of our Kings that ever matched with their Subjects, were Edw. 4. and Hen. 8. From which two Matches, God (as it were to shew, the less we rely upon others abroad, the more he will help us himself at home) gave two Daughters, two Elizabeths, two such Queens, than which there were never two more blessed Instruments of Gods glory and this Kingdoms good, by establishing Peace in the Land, and Religion in the Church, until his Majesties happy coming who brought both with him.

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21 Jacobi.
The French
jealous of this
conjunction.

A The French were very jealous of the Conjunction between Spain and England, and thought it the safest way to make peace at home, and employ their strength to bound the Incroachments of Spain and the House of Austria: By which means a bitter Persecution ceased in that Kingdom; The Protestants of France were permitted to call home their banished Ministers, to build their ruin'd Temples, and enjoy their liberty in Religion. This benefit did the Kings closing with Spain procure to a People almost ruined.

B But after all the Kings concessions, the Spaniards contrived new delays, and proposed harder terms. The Pope had obliged the Catholick King to see the Conditions performed, and to protract the Marriage, till matters in England were in perfect execution. Whereupon the Divines advise that King, that the promises of Marriage be made presently, but the Consummation thereof and the delivering of the Infanta be deferred till May the Year following. And the death of Pope Gregory did strengthen this contrivance: For the Spanish Ministers pretended, that in regard there was no Contract, but a Treaty only on foot, the dispensation which lay in the Nuncio's hands was by the Popes death suspended, and a Ratification from the new Pope was requisite before any further progress could be made.

C Cardinal Barberine was chosen Successor to Gregory the Fifteenth, and took the Name of Urban the Eighth. Soon after his Election, he wrote these ensuing Letters, the one to King James, the other to Prince Charles.

Serenissimo *JACOBO* To the most Illustrious
Migne Britannie Regi Illustri,
URBANVS P.P. VIII. Prince *JAMES* King of
Great Britain.

D E F S Erenissime Rex, salutem & lu-
men Divinæ gratiæ. Scotiæ reg-
num quod inclytos terris Reges,
sanctissimosque cœlo cives peperit,
cum ad Cardinalatus nostri patroci-
nium pertinuerit, lœtitiae simul ac
mœroris uberem nobis materiam af-
ferebat. Exultabamus gaudio, co-
gitantes in ea Regione, quam Ro-
manorum arma expugnare omnino
non potuerunt, Romanæ Ecclesiæ
fidem fæcilius triumphasse, Scoto-
rumque Regem nullum hactenus
extitisse, qui Pontificiæ authoritatis
hostis obierit. At enim vertebatur in
luctum cythara nostra, cum ad præ-
sentium temporum miseras, oculos
lachrymis manantes converteremus:
Videmini enim, laborante discordi-
arum patre, obliti esse eum qui nu-
trivit vos, & contristati nutricem ve-
stram Hierusalem. Quare Aposto-
lica sedes, quæ populos istos jam
pridem Christo genuit, mœrore
conficitur, dum tam præclaram hæ-
reditatem

N Oft serene King, We wish you
health and the light of God's
Grace. When the Kingdom of Scotland
which hath brought forth famous Kings
to Earth, and most holy Citizens to Hea-
ven, was under our protection, whilst
we were yet Cardinal, it afforded us
plentiful matter of joy and sorrow. We
were exceeding joyful when we con-
sidered, that the Faith of the Roman
Church hath happily triumphed in that
Countrey which the Roman Armies
could never Conquer; and that there was
never yet King of Scotland, who died
an Enemy to the Popes authority. But
our Harp was turned into Mourning,
when we cast our eyes, flowing with tears
upon the miseries of the present times;
For you seem (while the Father of dis-
cords is active) to have forgotten him
who nourished you, and to have made
sad your Nurse, Jerusalem. Wherefore
the Apostles seat which brought forth
that People to Christ, is pierced with sor-
row, while it beholds so famous an in-
heritance

Pope Urban
to K. James.

reditatem verti videt ad extraneos, damique sui magnitudinem Britanorum Regum laudibus istarumque Provinciarum gloria metitur. Id vero præter cætera dolendum orbi Christiano videtur, Jacobum regem Catholicorum regum prolem, & sanctissimæ Parentis filium, a Pontifice Maximo atque a Majoribus suis in Religionis cultu dissentire. Si enim sublime istud ingenium, quod literarum studiis & prudentiæ artibus Rex celeberrimus excoluisti, a fulgenti Patri luminum assentiretur, facile conjicit Christiana Respublica quanto publicæ concordiæ bono factum esset, ut Nationes istas Insulasque, aut montium claustris aut Oceani gurgitibus dissitas, Scotticus rex imperio conjungeres. Videlur enim Majestas tua ob eam rem facta esse tot Provinciarum domina, ut ab eo, cui parent, facilius celeriusque Regna ista medelam ac salutem acciperent. Quare assiduis precibus jam tum eum venerabamur, qui dat salutem Regibus, ut tot Divinæ clementiæ beneficia, quibus in conspectu Potentium admirabilis es, ad Britanniæ incolumitatem & Ecclesiæ gaudium conferret. Affulsit autem nobis non ita pridem beata spes oriens ex alto, cum te Austriacæ affinitatis cupidum cognovimus, ex Catholica matre pro digni exoptantem eos, qui tuam hæreditatem adire populosque istos ditione tenere debent. Proin vix dici potest, quod nobis solatium obtulit sanctissimæ recordationis Pontifex Gregorius XV. Prædecessor noster, dum nos in eorum Cardinalium cœtum ascivit quos Anglicani matrimonii causam cognoscere voluit. Enituit in nobis tantum negotium differentibus singularis quædam propensio in Maje statem tuam, cuius cum favoremus ludibus, fælicitati etiam consultum cupiebamus. Nunc autem cum per Apostolici senatus suffragia ad hanc stationem pervenimus, ubi pro omnibus terrarum regibus excubandum est, non satis explicare possumus quanta

tance to be given away to Strangers, and measure the greatness of its loss by the praises of the British Kings, and the glory of those Dominions. But this above all ought most to be lamented by the Christian World, that King James, the offspring of Catholick Kings, and the Son of a most holy Mother, should dissent from the Pope of Rome, and from his own Ancestors in point of Religious Worship. For if those eminent parts which you a most famous Prince have polished with Learning and Arts of Prudence, would assent to the Father of Lights illuminating the Christian World, we easily apprehend how much it would conduce to the Publick peace, that being King of Scotland, you should joyn in one Kingdom those Nations and Islands, divided either by the bars of the Mountains, or by the depths of the Ocean. For your Majesty seems for that very reason to be made Lord of so many Provinces, that they might more easily and quickly receive healing and salvation from him whom they obey. Wherefore we even then besought God by continual Prayers, who gives Salvation to Kings, that so many blessings by his grace conferred upon you, by which you are admirable in the sight of Potentates, might bring safety to Britain, and joy to the Church. A blessed hope from above not long ago shined upon us, when we understood that you were desirous of a Catholick Alliance, and that the Issue which should succeed in the Inheritance and Government of those Nations might be begotten of a Catholick Mother. We can scarcely express how much joy Gregory the Fifteenth of blessed Memory, our Predecessor, brought us, when he made us one of the Congregation of those Cardinals whom he would have to take cognisance of the English Match: While we discoursed of a matter of so great importance, we expressed a singular propensity of mind towards your Majesty, and were both tender of your praises, and desirous to provide for your happiness. And now being by the consent of the Apostolical Senate advanced to this station, where we

A quanta nobis cura & desiderium sit Magnæ Britanniæ, ac tanti Regis dignitas. Divinitus vero accidisse videtur, ut primæ literæque nobis in B. Petri sede regnantibus redde-rentur, ex fuerint quas Prædeces-sori nostro Nobilissimus Carolus Wallia Princeps scripserat, testes suæ in Romanos Pontifices voluntatis. Nunc autem cum venerabile illud Conjugium, benedicente Domino, perfici cupiamus, alloqui te decrevi-mus, nullis Majestatis tuæ literis exspectatis. Charitas enim Pontifi-cii Imperii decus est; & quamvis in sede hac potentissimum regum obse-quii culti commoremur, magnifi-cum tamen nobis existimamus, sua-dente charitate, ad humiles etiam preces descendere, dum animas Chri-sto lucremur: Primum ergo credere omnino te volumus nullum esse in orbe Christiano Principem, a quo plura exspectare possis paternæ bene-volentiae documenta, quam à Pon-tifice Maximo, qui te desideratissi-mum filium Apostolicæ charitatis brachiis complecti cupit. Scimus quibus te literis nuper ad tantum decus adipiscendum excitavit Gre-gorius X V. Cum in ejus locum ve-nierimus, ejus in te propensionem non imitabimur solum, sed etiam su-perabimus. Speramus enim Nunti-os è Britannia propediem allatum iri, qui Majestatem tuam rei Catho-licæ favere testentur, Catholicosque isthic commorantes, quos Pater mi-sericordiarum asseruit in libertatem filiorum Dei, pœnarum formidine liberatos, Regali tandem patrocinio perfrui. Remunerabitur ille qui di-ives est in misericordia, ejusmodi consilium, illustri aliqua felicitate: Tum nomini Majestatis tuæ plau-dent regna terrarum, & militabunt acies cœlestis exercitus: Frendant licet dentibus suis peccatores, minetur seditione potens impietas, sperat Europa se visuram Jacobum Regem in Romana Ecclesia trium-phantem, & Majorum suorum ex-empla novis pietatis operibus au-gentem.

we are to watch and ward for all earth-ly Monarchs, we cannot sufficiently de-clare what a care and desire we have of Great Britain, and the honour of so great a King. It seems to have been a special providence of God, that the first Letters which we received reigning in the seat of S. Peter, were those which the most noble Charles Prince of Wales wrote to our Predecessor, as a testimony of his affection to the Popes of Rome. And since we now desire that this vene-rable Marriage should by the blessing of God be perfected, we resolved to write unto you, without expecting Letters first from you; For charity is the Ho-nour of the Papal Empire; although most powerful Kings do homage to us in this seat, yet we account it glorious (charity so persuading) to ascend to humble prayers, so that we may gain Souls to Christ. First therefore, we de-sire you to persuade your self, that there is no Prince in the Christian World, from whom you can expect more evi-dence of Fatherly affection than from the Pope, who desires to imbrace you a most desired Son with the Arms of Apo-stolical Charity. We know with what a Letter Gregory the Fifteenth exci-ted you to obtain so great a glory; And since we have succeeded him, we will not only imitate his inclinations to-wards you, but will exceed them. We hope we shall shortly have newes out of England, that your Majesty is favour-able to the Catholick Interest: and that the Catholicks who live there, whom the Father of Mercies hath vindicated into the liberty of the Sons of God, being freed from the fear of punishment, enjoy your Royal Protection. He who is rich in mercy, will reward such a pur-pose with some single happiness: The Kingdoms of the Earth will applaud your Majesty, and the Host of Heaven will wage War for you: Though sinners gnash their teeth, and Impiety powerful to raise sedition threaten, yet Europe hopes she shall see King James triumphing in the Roman Church, and increa-sing the Example of his Ancestors by new works of Piety. We do not distrust

A.D. 1623.

gentem. Non diffidimus adesse jam tempus Divini beneplaciti, quo illi qui Britannicæ religionis laudes monumentis consignant, non semper alterius seculi facta loquentur, sed præsentis etiam Principatus decora consequentibus ætatibus proponere poterunt ad imitandum. Majores illi tui te vocant, qui tibi tantæ claritudinjs & potentia hæreditatem reliquerunt, qui cœlestis regni fores Pontificiis clavibus generi humano pates fieri crediderunt. Certe fieri non potest, ut Majestas tua tot sæculorum fidem, & Regum de te præclare meritorum, judicium aut contemnere audeat, aut condemnare. Nonne vides sententia Majestatis tuæ iis omnino cœlum eripi, qui tibi Regnum reliquerunt, dum eos in Religionis cultu aberasse contendis; Ita fieret, ut quos universa Ecclesia cives cœli & cohæredes Christi in æterna patria dominari credit, tu ex ipsorum sanguine prognatus tuo suffragio e cœlo detraheres, atque in errorum abyssum, & poenarum carcerem detrudereres. Non sentis tanti cogitatione facinoris ingrati animi tui Viscera perhorrescere? Nonne ejusmodi consiliis Regalis ingenii indoles reclamat; quam tamen tot Europæ Nationes, dum ab Apostolica sede dissentit, reprehendere coguntur. Alliciat oculos tuos tantæ gloriae splendor, quæ tibi è cœlo caput ostentat, & magnum porrigit, in Sanctuarium Dei Britannos Reges per te reductura comitantibus Angelis, hominibusque plaudentibus. Jacebat olim in orbe terrarum deformata ærumnis Christiani religio tyrannorum minas expavescens. Eam vero non solum è latibulis eduxit, sed ad imperium etiam vocavit Imperator ille, quem Magnæ Britanniæ debemus, Constantinus Magnus, Pontificiæ authoritatis Propugnator, & Romanæ fidei assertor: Hic aptum Majestatis tuæ Regalis imitationis exemplar, non Reges illi

distrust that the time of Gods good pleasure is now at hand, when they who recommended to History the praises of the British Religion, shall not alwayes speak of the deeds of another Age, but may be able to propose the present Government as a pattern of imitation to the Ages following. Your Ancestors call upon you, who have left you so powerful and so famous an inheritance; who believed that the Gates of the Kingdom of Heaven were opened to Mankind with the Popes Keys. Certainly it cannot be, that your Majesty should dare either to condemn or B condemn the belief of so many Ages, and the judgment of so many Kings, who have deserved well of you. Do you not see, that by your Majesties opinion they are deprived of Heaven, who left you a Kingdom, while you contend that they erred in the Worship of their Religion? By this means it would be, that whom the Universal Church believes to be Citizens of Heaven, and to reign as Coheirs with Christ in that everlasting Country, you, who are descended of them, should snatch them out of Heaven, and thrust them into the bottomless-pit of Error, and the prison of Hellish torments. Do you not perceive your Bowels yearn at the Thought of so ungrateful an offence? Are not such deliberations repugnant to your Royal temper? which nevertheless so many Nations of Europe are forced to reprobate, while it dissent from the Seat of the Apostles. Let the splendor of so great Glory allure your Eyes, which looks out of Heaven upon you, and reaches you out a hand ready to receive, by your means, the Kingdom of Britain into the Sanctuary of God, with the conduct of Angels, and acclamations of Men. Along time ago, Christian Religion lay all along in the World squallid and deform'd with anguish, affrighted with the threats of Tyrants: but that Emperor whom we owe to Great Britain, Constantine the Great, the Defender of the Popes Authority, and the Avoucher of the Roman Faith, did not only bring her out of her lurking places, but

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but called her to an Empire. He is a fit pattern of imitation for your Majesty, not those Kings who have transgressed and dissipated the Everlasting Covenant. We call you, O most wished for Son, from this Watch-Tower of the VVorld, into the Society of his Glory: Add one day to your past years, which all Posterity may celebrate with a grateful Memory. Put a Mitre of Eternal Glory upon your Head, that in the time of your Reign, we may say with the holy Apostle, I have seen a new Heaven in Britain, and a new City descending from Heaven, and a Guard of Angels upon her Walls. If that should come to pass, we shall make reckoning, that our Reign hath been happy to Mankind. This our solicitude, we believe, will be so grateful unto you, that we verily hope, upon the receipt of our Letter, you will forthwith increase the advantage of the Catholicks which live there: Which if you shall do, you will exceedingly oblige us, and we shall consign to you the King of Kings, debtor of so great benefit, who so long as he shall preserve your Royal Family in eminent happiness, shall second the wishes of the Roman Church, and bring joy to the holy Prelates.

C

illi qui sunt transgressi dissipantes fœdus sempiternum. In ejus gloriarum Societatem nos ex hac terrarum specula te vocamus, exoptatissime Fili. Impone præteritis annis diem unum, grata totius posteritatis memoria celebrandum. Impone Mitram capiti tuo honoris æterni, ut te rerum potiente dicere cum Sancto Apostolo possumus, Vidi in Britannia Cœlum novum & Civitatem novam descendentem de cœlo; & super muros ejus Angelorum custodiam. Id si continget, Pontificatus nostri tempora generi humano fælicia affulsiſſe arbitrabimur. Cæterum tibi Sollicitudinem hanc nostram adeo gratam fore existimamus, ut omnino speremus te his literis acceptis statim Catholicorum isthic degentium commoda aucturum. Quod si præstiteris, & nos tibi mirum in modum devinxeris, & Majestati tuxæ tanti beneficij debitorum delegabimus ipsum Regem Regum; qui dum Regalem istam Domum illustri aliqua fælicitate fospitabit, Romanae Ecclesiæ votis annuet, & Sacrorum Antistitutum gaudio consulent.

D

Dated at Rome at
St. Peter's, sub an-
nulo Piscatoris, 15
Octob. 1623. The
first Year of our
Reign.

E

Datum Romæ apud
Sanctum Petrum
sub annulo Piscato-
ris, die XV.Oct.
M DC XXIII.
Pontificatus 1°

F

O

Nobilissimo

An. 1623.

Nobilissimo Viro, Carolo
Principi Walliae,
Urbanus Papa Octavus.

To the most Noble
Prince Charles,
Pope Urban the Eighth.

Pope Urban's
Letter to
Prince Charles.

Nobilissime Princeps, salutem & lumen Divinæ gratiæ. Primæ literæ, quæ Nobis ad Apostolatus solium elatis redditæ sunt, illæ fuerunt quas ad Sanctissimæ memoriae Gregorium Decimum-quintum Predecessorem nostrum ex Hispania misisti. Manus ad cœlum sustulimus, & Patri misericordiarum gratias egimus, cum in ipso nostri Regiminis exordio Pontificem Romanum ex Officii genere colere Britanus Princeps inciperet. Singulari nostri quadam animi propensione rei Anglicana jamdiu favemus, quo factum est, ut in hoc Antistitutum Conventu, & Nationum Patria, Scotti tui, dum Cardinalem ageremus, se in nostram potissimum fidem ac clientelam contulerint. Patrocinium autem tam splendidæ Provinciæ suscipientes, identidem majorum tuorum res gestas, & Britannicarum Insularum laudes contemplamur. Eos autem quo illustriores orbi terrarum antea ætates ostentabant, eo nos impensius cupiebamus confimilibus Christianæ pietatis triumphis hæc tempora illic insigniri. Cum autem Magnæ Britanniae Rex, Pater tuus, non minorum ex disciplinarum fama, quam ex potentiaz vi gloriam concupierit, optavimus semper, supra quam dici qotest, ei divinitus insignem aliquam offerri occasionem generis humani demerendi, & celestis hæreditatis adipiscendæ. Nunc autem advenisse tempus credimus quo votis nostris frui liceat, cum ad tantum decus potentissimo parenti aditum patefacere in præfensi videaris, Filius in maximarum rerum spem genitus. In ea enim sententia sumus ut arbitremur, tantum

Most Noble Prince, we wish you health, and the light of Gods Grace. The first Letters which were delivered to us, after we were preferred to the Throne of the Apostleship, were those which you sent out of Spain to Gregory the Fifteenth, of famous memory, our Predecessor. We lifted up our hands to Heaven, and gave thanks to the Father of Mercies, when in the very entry of our Reign, a British Prince began to perform this kind of obeisance to the Pope of Rome. We have been a long time favourable to England by a Natural bent and inclination, whence it came to pass, that your Scotchmen recommended themselves to our especial Trust and Patronage in this Assembly of Prelates, and Countrey of all Nations, while we were yet Cardinal. When we undertook the protection of so famous a Kingdom, we did often contemplate the Exploits of your Ancestors, and the Elogies of the British Islands; and by how much former Ages did represent them more glorious to the World, by so much did we more earnestly desire, that those times might there be made remarkable with the like triumphs of Christian Piety: And seeing the King of Great Britain, your Father, loveth no less the glory of Learning, than that of Might and Power; we have alwayes heartily wished, above what we are able to express, that God would be pleased to put into his hand some eminent occasion, whereby to oblige Mankind, and obtain an eternal Inheritance. And now we believe the time is come to enjoy our wishes, since you seem at present to open the way for so great a fame to your most Noble Father, a Son begotten unto the hope of the greatest concernments;

cerements; for we are of opinion, that your so vehement desire of a Catholick Marriage, is a certain voice of God calling you, and disposing all things sweetly. For it is not necessary, that the Omnipotent should always thunder with the voice of his greatness;

A because secret Counsels themselves, directing Men into the way of Salvation, are words by which the Eternal Wisdom speaks and declares the command of a Deity. Wherefore we have ever endeavoured, to the utmost

B of our power, that this honourable Marriage, by the blessing of God, might be finished. From hence you may perceive, that none could have been advanced to this heighth of humane Affairs, from whom you may expect more expressions of good-will, or fruits of bounty. For your Ancestors, which

tamed Heretical impieties, and not only reverenced, but vindicated the

C Roman Hierarchy, do recommend you a most Noble Prince, to the Papal Charity: For when Monsters of new Opinions broke into the Bulwarks of the Northern Ocean, they bridled the endeavours of the wicked with wholesome arms, and did not change the truth of God into a lie. And if you,

D as you write, shall in good earnest glory more in the imitation of your Ancestors, than that you are descended of Kings, we easily foresee how great joy to the Church of Rome, and how great felicity to the British Kingdoms these words do promise, which deserve to be written in the Book of Life. Such

E good turns, O most desired Son, the venerable Assembly of the Scottish Kings exacts and expects from you; whose Actions, without doubt, he condemns, who revolts from their Religion. The Catholick Kings of all Europe require this of you; for how can their Concord be the Vow of your

F care, as long as you dissent from them in a matter of the greatest importance, that is, in the veneration of holy Rites? The Roman Church, which England revered long ago, is the Mistress of Truth, whose belief

you

tum quo flagras, Catholici conjugii desiderium, quandam Dei te vocantis, & suaviter omne disponentis, vocem esse. Nam opus Omnipotenti non est tonare semper voce magnitudinis suæ, quia ipsa arcana consilia dirigentia mortales in viam salutis, verba sunt quibus æterna sapientia loquitur, & jubentis Numinis mandata declarat. Quare omni semper studio elaboravimus, ut conjugium hoc honorabile, benedicente Domino, perficeretur. Hinc conjicere potes, non potuisse alium ad sacrum hoc rerum humanarum fastigium provehi, à quo plura sperare possis documenta benevolentiarum & beneficentiarum fructus. Te enim Principem Nobilissimum Pontificæ charitati commandant majores tui, Hæreticæ Impietatis domitores, & Romane Hierarchiæ non cultores modo, sed vindices. Ii enim cum dogmatum novorum portenta in ea Septentrionalis Oceani propugnacula irrumperent, impiorum conatus salutaribus armis compescuerunt, nec commutaverunt veritatem Dei in mendacium. Quod si, ut scribis, reipsa magis gloriaberis de avitæ imitatione Religionis, quam de Regii sanguinis Hereditate, facile prospicimus quantum ejusmodi verba, in libro viventium exaranda, Romane Ecclesiæ lætitiam, & Britannicis Regnis fælicitatem polliceantur. Hæc à te beneficia, desideratissime Fili, exigit atque expectat venerandum illud Regum Scotorum Concilium, quorum facta absque dubio condemnat qui ab illorum Religione desciscit, Hoc à te Catholici totius Europæ Reges flagitant; quomodo enim eorum concordia potest votum esse sollicitudinis tuæ, donec ab eis in maxima re, id est, in Sacrorum cultu dissentias? Romane Ecclesia, quam Magistrum veritatis Anglia tam diu coluit, cuius fidem tibi non invisam esse fateris, cupit tibi cœlestis Regni

An. 1623.

fores quam primum patefacere, & te in Majorum tuorum possessionem reducere. Cogita te nunc in Hispania Regia spectaculum esse factum Deo & hominibus, semperque fore desiderium & curam Pontificatus nostri. Cave ne consilia eorum, qui terrenas rationes cœlestibus antiferunt, obdurent cor tuum, nobilissime Princeps, latifica tandem Militiam Cœlestis exercitus, in tuis castris deinicaturam, ac faventibus Angelis, hominibusque plaudentibus, redi, Fili exoptatissime, ad Ecclesiae te cupientis amplexus, ut in Matrimonio tuo gestientes gaudio canere possimus, Dominus regnavit, & decore indutus est. Omnino qui Catholicae Virginis nuptias concupiscis, Cœlestem etiam illam sponsam tibi assumere debes, cuius forma se captum fuisse Solomon ille Reguum sapientissimus gloriatur. Hæc enim sapientia est, per quam Reges regnant, cuius dos est splendor gloria, & Principatus sempiternus. Eam vero à terrarum contagione secretam, atque in sinu Dei recubantem, in Romana Ecclesiæ Sanctuario Majores tui quæsiverunt. Qui tibi has hortationes conscribimus, & benevolentiam Pontificiam testamur, cupimus perpetuis Historiarum Monumentis nomen tuum commendari; atque in eos Principes referri, qui præclarè merentes in terra de Regno Cœlesti, fiunt posteritati virtutis exemplar & votorum mensura. Oramus Patrem luminum, ut beata hæc spes, qua nobis tanti Principis redditum, deducente Spiritu Sancto, pollicetur, quam primum ferat fructus suos, & Magnæ Britanniae salutem, totique orbi Christiano pariat lætitiam.

Datum Romæ apud
Sanctum Petrum
sub annulo Piscato-
ris, Die 15 Octob.
1623. Pontificatus
nostræ Anno Primo.

A
you confess you hate not, desires forthwith to open unto you the Gates of the Heavenly Kingdom, and to bring you back into the possession of your Ancestors. Think that now in Spain you are become a Spectacle to God and Men, and that you shall always be the desire and care of our Reign. Take heed, most Noble Prince, that the counsels of those who prefer Worldly interests before Heavenly, do not obscure your Heart. Make glad the Host of Heaven, which will fight in your Camps; and return, O most wished for Son, into the embraces of the Church, which desires you with the applause and favour of Men and Angels; that so rejoicing in your Marriage, we may sing with joy, The Lord hath reigned, and put on comeliness. Certainly you, who desire the Marriage of a Catholick Virgin, ought to espouse the Heavenly Bride, with whose beauty Solomon, the wisest of Kings, boasts himself to have been enmoured. For this is the Wisdom by which Kings Reign, whose Dowry is the splendor of Glory, and an Eternal Principality; and your Ancestors sought her in the Sanctuary of the Roman Church, severed from the contagion of the World, and reposing in the wisdom of God. We, who write to you this Exhortation, and testify our Papal Charity, desire to have your name renowned in the Histories of all Ages, and that you may be recorded amongst those Princes, who deserving well on Earth of the Kingdom of Heaven, are become the example of Virtue to Posterity, and the measure of wishes. We beseech the Father of Lights, that this blessed hope, by which he promiseth us the return of so great a Prince, by the conduct of the holy Ghost, may forthwith fructifie and bring Salvation to Great Britain, and joy to all the Christian World.

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C
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Dated at Rome at S. Peter's,
sub annulo Piscatoris, die
15 Octob. 1623. in the
First year of our Reign.

Not-

21 Jacobi.
The Treaty begins to tend to a rupture.

A

Notwithstanding, this great business of State began to look with an ill aspect, by the concurrence of various passages, tending to a rupture of the Treaty. In *England*, the *Spanish* Ambassador's demands grew high and peremptory; yet the King, to give them content, directed the Lord Keeper, and other Commissioners, to draw up a Pardon of all Offences past, with a Dispensation for those to come, to be granted to all *Roman Catholicks*, obnoxious to any Laws against Recusants; and then to issue forth two General Commands under the Great Seal of *England*: The one to all Judges and Justices of Peace; and the other to all Bishops, Chancellors, and Commissaries, not to execute any Statute against them.

The General Pardon was passed in as full and ample manner, as themselves could desire, or pen it: But to that vast Prohibition to the Judges and Bishops, some stop was made by the advice of the Lord Keeper, for these Reasons.

B

First, Because the publishing of this General Indulgence at one push, might beget a general Discontent, if not a Mutiny; but the instilling thereof into the Peoples knowledge by little and little, by the favours done to particular Catholicks, might indeed loosen the Tongues of a few particular Persons, who might hear of their Neighbour's pardon, and having vented their dislikes, would afterwards cool again; and so his Majesty might, with more conveniency, by degrees, enlarge his favours.

C

Secondly, Because to forbid the Judges against their Oaths, and the Justices of Peace, who are likewise sworn to execute the Law of the Land, is a thing unprecedent in this Kingdom, and would be a harsh and bitter Pill, to be digested without some preparative.

The two Ambassadors with much ado consented, That the matter should rest till the end of Six months, or the *Infanta's* arrival; yet they did it with a shew of discontent, as if the King performed nothing. The disaffection of these Ministers was supposed to be one rub in the way of

D

this Alliance. And on the other side, some of the Prince's followers in *Spain*, being zealous of the Protestant Religion, disliked the Match, and shewed their aversenes to it. Sir *Emund Verney* struck an *English* man, a *Sorbon Doctor*, a blow under the Ear, for visiting and labouring to pervert one of the Prince's Pages, who was sick of a mortal Fever. Divers derided the Popish Ceremonies, and Spanish garb, and slighted the Countrey; and some committed irreverent actions in the King's own Chappel. Hereupon they began to disgust the English, and to rail at *Gondomar*, for informing the King and State, That the Prince might be

E

made a Catholick. Moreover, those many *Irish* that subsisted by Pensions from the Crown of *Spain*, did no good Offices; and the *French* and *Venetian* Ambassadors in that Court, were conceived not to be idle: But there were greater things than these. The Duke of *Buckingham*, the Prince's Companion and Guardian, was much disrellished by the Court of *Spain*. His French garb, the heighth of his spirit, and his over-great familiarity with the Prince, were things opposite to the way, and temper of that grave, sober, and wary People. And the Council of *Spain* took

F

exceptions, that he should come with such a superintendent power in that great affair among so many grave Statesmen, to the Prejudice of so able a Minister as the Earl of *Bristol*, who had laid the first stone in that building: Whereupon his power was called in question, and found imperfect, in regard it was not confirmed by the Council of *England*. Moreover, the Duke lay open to some affront, which enraged him sore against the

The Prohibition to the Judges and Bishops in behalf of the Catholicks suspended.

Some of the English in Spain dislike the Match and Religion.

The Duke disgusted in Spain.

Conde

An. 1623.

Buckingham
and Bristol
run different
ways.

Conde Olivares; and things grew to that extremity between the Duke and that King's Ministers, that they did not stick to say, That they would rather put the *Infanta* headlong into a Well, than into his hands. Nevertheless, in the Prince himself they observed an extraordinary well staid temper, and grave comportment.

In the present action, *Buckingham* and *Bristol* ran different wayes, with great animosity: *Bristol* had the advantage in *Spain*, yea, in the Court of *England* he had gained a great esteem, and powerful party, and had wrought himself into the Kings opinion by his strenuous Negotiation, and pleasing Services. As concerning the Duke's demeanor, the opinions in *England* were very different: By the People in general, who loathed the March, he was favoured for his care of his King, Prince, and Country; but by the Court he was much maligned and censured, as the occasion of those delays, by diverting and changing the wayes wherein they began to treat: But the King himself was very reserved, either still loving the Duke, or over-awed by his intimacy and power with the Prince. For in all occurrences the Prince closed with him, and seemed to give him a large room in his heart. Now the Dukes Friends at Court pressed him to return speedily, and by all means with the Prince; and assured him, That the longer he staid there, the stronger he made his Enemies, and himself the weaker.

The *Palatine*,
by his Secre-
tary labours to
engage the
Prince against
the Marriage.

And *Buckingham* well observed, that he had little obligation to *Spain*, and had reason to seek some surer props to uphold his greatness. And to draw him further off, the Secretary of the Prince *Palatine* coming to *Madrid*, under pretence of praying the Duke to be God-father to one of his Master's Children, laboured to engage him against the Marriage: For the *Palatine* could not rely on the new overtur of Marriage between his Eldest Son, and the Emperor's Youngest Daughter, it being a Labyrinth, out of which no Thred could guide him, were the Proposals already granted: For being an Act of so many various parts, as the Pope, the Emperor, the King of *Spain*, the Duke of *Bavaria*, and divers others, it must needs be full of tedious intricacies. What Money or other conditions could be offered, that were like to satisfie the honour, humour, and huge expence of the *Bavarian*, for quitting his Conquest to an irreconcileable Neighbour? What Foreign Alliance is able to perswade the Emperor, who hath changed all Tenures of Election into Succession, and shaken the ancient Freedom of the *German* Princes, that he should revive his Enemies dead Forces, to the prejudice of all that he enjoys, or aspires unto? Would the Pope be won to suffer *Heidelberg*, which he accounted the most dangerous Nest of Hereticks, after *Geneva*, to return to her former strength? Besides the Education of the *Palsgrave's* Son in the Emperor's Court, and the Sequestration of his Country, during his Son's Nonage, would be required as necessary to that conjunction.

The Spaniard
continues new
delays.

By this time the King must needs be full of jealousies, and the Prince's patience well nigh spent by the *Spaniard's* intricate proceedings; for the Divines insisted stily, That the Consummation of the Marriage, and the delivering of the *Infanta*, should be deferred to the next year; which seemed a rigorous Proposal. Howbeit, that King promised to abate the rigor, and engaged himself to a accomplish the Marriage at *Christmas* following, if the Prince would continue there so long. But the Resolution touching the delivering of the *Infanta*, was unalterable.

The English
Papists per-
plexed.

The English Papists apprehending, that a Rupture was like to follow,
were

were much perplexed: A great Stickler, Sir *Toby Matthews* by name, did press his Catholick Majesty to give the Prince some foot of ground, upon which he might be able to stand with honour, in complying with that extraordinary affection which he beareth to the *Infanta*: Moreover he protested to him, That if the Catholicks of thele Dominions should grow liable to persecution or affliction, by the occasion of this breach, through the disgust of the King and his Council, or through the power which the *Puritans*, assembled in Parliament, will infallibly have with him, that blood or misery may be partly required at their hands, who have advised his Majesty not to accept those large conditions which the King and Prince had condescended unto, and that more than Moral security, which they had offered for the performance thereof.

Now the Prince is thinking to leave the Court of *Spain*, and they say, he wrote to his Father a Letter of high despair, wherein was this paillage; *You must now, Sir, look upon my Sister and her Children, never thinking more of me, and forgetting that ever you had such a Son.* Whereupon King *James* sent swift dispatches to hasten his return. The King and Council of *Spain* seemed to be startled at these resolutions, and his Majesty importuned the Prince, That having staid so many years for a Wife, he would stay some few Months longer: And if he pleased to give way that the *Infant's* journey might be put off to the following Spring, he would give him a Blank to write his own Conditions touching the surrender of the *Palatinate*. But when his Highness urged Reasons for his departure, they took the matter in debate afresh, and consented upon Oath first given, as well by his Catholick Majesty, as by the Prince, to accomplish the Marriage, and to make the Espousals within Ten days after the Ratification should come from *Rome*. To which purpose the Prince made a Procuration to the King of *Spain*, and *Don Carlos* his Brother, to make the Espousals in his Name, and left it in the Earl of *Bristol*'s hands. Nevertheless he left in the hands of one of the Duke's Creatures, a private Instrument, with Instructions to be delivered to the Earl of *Bristol*, to stay the delivery of the Proxies, till further direction from him, pretending, That the *Infanta* might retire into a Cloister, and defraud him of a Wife. But these Instructions were to be concealed from the Earl, till the Ratification came from *Rome*.

The Duke not regarding a ceremonious farewell at Court, departed hastily a little before the Prince, pretending to prepare the *English* Navy that lay at the Port of St. *Andrew* for the Prince's transportation. *Olivares* and he had but a harsh parting; for he told *Olivares*, That he was obliged to the King, Queen, and *Infanta*, in an eternal tie of gratitude; and that he would be an everlasting servant to them, and endeavour to do the best Offices for concluding the Match, and strengthning the Amity between the Crowns: But as for himself, he had so far disengaged him, that he could not, without flattery, make the least profession of Friendship to him. The *Conde* replied short, That he accepted of what he had spoken. The Duke departing with so little satisfaction, the *Spaniards* concluded, that he would endeavour by all means possible to hinder the Marriage.

But the Prince, for his part, had gained an universal love, and was reported by all, to be a truly Noble, discreet, and well-deserving Prince; His grave comportment suited with the very *Genius* of that Nation, and he carried it, from the first to the last, with the greatest affability, gravity, and constancy, and, at his farewell, with unparallel'd bounty; and he

The Prince ready to depart from the Court of *Spain*, leaves a Proxy with the Earl of *Bristol*.

The Duke and *Olivares* part not friends.

The Prince universally esteem'd.

left

His departure
solemn.

Historical Collections.

left behind him Gems of inestimable value for the *Infanta*, and several Grandees.

His departure from *Madrid*, being the Twelfth of *September*, was very solemn, the Queen and the *Infanta* were prepared in great magnificence, with a Train of Grandees and Ladies, to receive his Farewell: And among other passages, this one was taken to be an argument of the *Infanta's* real love to the Prince, That she caused many divine Duties to be performed, for the safety of his return into *England*. The King brought him on his way to the *Escorial*, and there feasted him, and at the minute of parting, declared the Obligation which the Prince had put upon him, by putting himself into his hands, a thing not usual with Princes; and he protested, That he earnestly desired a nearer Conjunction of Brotherly affection, for the more intire unity betwixt them. The Prince replying to him, magnified the high favours which he found, during his aboad in his Court and presence, which had begotten such estimation of his worth, that he knew not how to value; but he would leave a Mediatrix to supply his own defects, if he would make him so happy as to continue him in the good opinion of her, his most fair and most dear Mistris.

The Prince
feasted the
Dons aboard
his Ship, and
bringing them
back again to
the shore, a
Storm surpris-
es them.

From thence he was attended with a Train of Spanish Courtiers to the English Navy, where he feasted the *Dons* aboard his own Ship; and when he was bringing them back to shore, there arose a furious Storm, wherewith the Barge was so driven, that it could neither fetch the Land, nor make to the Ships again. The Night came on, and the Tempest and Darkness meeting, made their condition desperate; till at length espying a light from a Ship, near which the Winds had driven them, they made towards it, and then with extreme hazard were reimbarqued.

It was observed, That the first words his Highness spake after he was embarqued, were, That it was a great weakness and folly in the Spaniard, after they had used him so ill, to grant him a free departure.

Expressions of
joy for the
Prince's safe
return into
England.

The Prince arrived at *Portsmouth*, October the Fifth, and no sooner was he landed, but it appears, that he was the Kingdom's Darling, the Peoples Hearts did burn to see him, and unanimously praised God, without any Publick Edict of Thanksgiving. Publick Societies and Private Families every where abounded in all expressions, both of Religious and Civil rejoicing. When he entred *London*, the Bonfires, which the People's universal joy had kindled, seemed to turn the City into one flame.

Private In-
structions de-
livered to
Bristol, con-
trary to the
Proxy.

Immediately after the Prince's departure from the Court of Spain, a rumour was spread, that the Ratification was come from Rome, and that it came plenary and absolute. By which means, the Prince's private Instructions were anticipated by the Earl of *Bristol*; for the Juncto pretended full Warrant to proceed, and summoned the Earl of *Bristol* to attend them, and earnestly pressed him, That the Articles might speedily be ingrossed and signed. Hereupon the Party in whose hands the Prohibition, left by the Prince, lay dormant, either conceiving the Ratification to be come indeed, or apprehending that it was the Prince's meaning to prevent the sudden concluding of matters, delivered to *Bristol* that Letter of private Instructions, the very Day that the Prince arrived at *S. Andero*. In reading it, the Earl was troubled exceedingly, and said to the other, That it must for a time be concealed, lest the Spaniards coming to the knowledge of it, should give order to stay the Prince.

It vexed *Bristol*, that his Building of so many years should at once be pulled in funder. He resolves to wave this private Order, and if the Ratification

Ratification came, to deliver the Proxies, and to support himself by his Publick Warrant under the Great Seal of *England*. Now the Prince and Duke being jealous that *Bristol* would counter-work them, left Sir *Walter Aston* joyned in Commission with him, and acquainted *Aston*, that the Princes meaning was never to Match there, without the restitution of the *Palatinate*, and the conservation of his Honor in all respect intire.

21 *Jacobi.*
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- A Immediately the Earl of *Bristol* sent dispatches into *England*, laboring to satisty the King and Prince in all things touching the Marriage: And shewing, that he had exactly set down the Case, how a Woman betrothed, may before the Consummation of Marriage, betake her self to a Religious life, and all the sorts of Security for the preventing of such a course; and that the King of *Spain*, his Sister, and all his Ministers do offer all security that may stand with decency and honor, for the performance of the whole agreement. And though the point of Portion were a tough and knotty piece, yet when by the original Papers, and *Consulto's* of the last King, the *Functo*, found it to be no less than Two Millions, they resolved to make it good; notwithstanding they alleadged that this sum was four times as much as ever was given in *Mony* with any Daughter of *Spain*. Moreover he did woo the Prince by Argument, That as the King his Father, so himself had thought this to be the fittest Match in all the World: And though the *Spaniards* had committed many Errors, yet he had already passed them by, and overcome the main difficulties: That by his Journey he had satisfied himself of the *Infanta's* Person, who for her birth and portion, was no where to be matched; and, for her vertue and settled affection to his H'ghnesses person, deserved him better then any Woman in the world: That the Match was sure, the Portion and Temporal Articles now settled, but the delay of the *Desponsorio's* will grieve the Princess, and bring a cloud of distrust and jealousie upon the whole business. The personal distaste of Ministers indiscreet and passionate carriages should not hazard that which hath been brought to the present State with so much cost, and pains and patience; and which being well accomplished, will procure so much good to the Christian World, and contrariwise, so much trouble and mischief, if it should miscarry and break to pieces. Now, upon these grounds and Motives he made Intreaty, That with all speed a Post might be sent unto him, bringing Authority to deliver the Powers upon the arrival of the Dispensation.
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- D

- E But the Prince and *Buckingham* made halte to engage the King, and making a plausible Narration of their own proceedings, the *Spaniards* delayes, and *Bristol's* miscarriages, drew him to alter the whole State of the Treaty. Hereupon, the King sends an express command to *Bristol*, to deliver his thanks to the King of *Spain* for the high entertainment, personal kindness, respect, and favor, received by his Son the Prince, who was returned so well satisfied, as that he was not able to magnifie it sufficiently. And further to let him know, That to make a firm and indissoluble union between their Families, Nations and Crowns, and withall not to abandon his own Honor, nor at the same time to give joy to his only Son, and to give his only Daughter her Portion in Tears, he had by the advice of that Kings Ambassadors entred into a Treaty for the Restitution of the *Palatinate*; that he always understood and expected that upon the effecting of this Marriage he should obtain the restoring of his Son-in-law both to his Country and Dignity; and that the Emperor,
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*Bristol* in a Letter gives the Prince a good account of the busi- nels.

King James falls off, and for a Condi- tion of the Marriage, de- mands the Restitution of the *Palatinate*.

A.D. 1623.

either by finding out some great Title, or by increasing the number of the Electoral Stiles, might satisfie the Duke of *Bavaria*. And for these Reasons the King commanded *Bristol* instantly to procure from that King, a punctual Answer touching the course he resolves to take, for the restitution of the *Palatinate*, and Electorate, and what assurance shall be given for his contentment, if the Emperor or Duke of *Bavaria* should oppose any part of the expected restitution. Moreover, he gave direction, and signified his special desire, that the Espousals should be made in one of the *Christmas* Holy-days, because that holy and joyfull time would best become an action so notable and blessed,

*Bristol* and  
*Aston* demur  
upon the new  
Instructions,

The Earl of *Bristol*, with the Concurrence of Sir *Walter Aston*, took boldness to demur upon these new Instructions: and yet again to represent to his Majesty the estate of these affairs; they inform him that by deferring the Espousals till *Christmas*, the powers were made altogether useless and invalid, there being a clause in the body of them, that they shall remain in force till *Christmas* and no longer, and the suspending of the execution of the powers, till the validity of them be expired, is an effectual revoking of them: Besides the pretexts of this delay are no new, but old matters, which were often under debate, but never insisted on to retard the main business. And it will be thought, that they should rather have hindred the Grant of these powers, than the execution of them being granted. Surely a staggering in the Former resolutions will be suspected, and the clearing thereof between *Spain* and *England* will cost much time. As concerning the Prince *Palatine*, it was the care of the Spanish Ministers, that that busines might be well compounded before the *Infanta's* coming into *England*: for they say, that otherwise they might give a Daughter, and a War presently follow. Besides, the Instructions given under his Majesties hands, were indeed to insist upon the restoring of the Prince *Palatine*, yet not so to annex it to the Treaty, as thereby to hazard the Match: For he seemed to be confident, that the one would never grow to a conclusion, without a settled resolution to effect the other: And the Prince and Duke during their being in *Spain*, observed the same course. Moreover the *Palatinate* affairs have relation to many great Princes interess'd therein, and cannot be ended but by a formal Treaty, which will require a great length of time; and if the conclusion of the Match should depend thereon, the Prince may be long enough unmarried, for the advancement of their interest who desire he should so continue, or not match with *Spain*.

The preparations for the Marriage go on chearfully, the Popes Dispensation is hourly expected, with an intention to demand the powers immediatley; and upon what pretext shall they be detained? Shall we alledge His Majesties pleasure, that the Solemnity be performed in the *Christmas* holy days? but that is impossible, for the powers are then expired. Shall we urge the restoring of the *Palatine*? This was not made a condition, but was treated as a busines apart. The delay of the *Desponsario's* will put a scorn upon the *Infanta*, and upon the King of *Spain*, who hath called himself the *Infanta's Desponsado*. And this cannot stand with that exact and honourable dealing which his Majesty hath hitherto used. Now upon these Inducements, in the result and close of all, the Ambassador humbly advised the King to return to the former state of the Treaty, and to nominate a day for the delivery of the Proxies, and resolved somewhat to protract the time for the receiving of his Majesties further direction.

Thus

Thus did the Earl of *Bristol* endeavor to restore the busines; and the better to bring it on, Sir. *Walter Aston* labored to reconcile the Duke to *Spain* by this manner of Insinuation: He believed that his Grace was infinitely provoked to be an enemy to this Match, and might have many Reasons suggested, how much it concerned him to break it with all the force he hath, yet he could not believe that the Error of one man, can make him an enemy to that which carryes in it so much content to the King and Prince, nor that his judgment can be led by their Arguments, which, under color of safety, would bring him into a dangerous labyrinth. For the most prosperous War hath misfortune enough to make the Author of it unhappy; and how innocent soever his Grace might be, yet the occasions which have been given him, will make him liable to such an aspersion. But if the Match proceed, and take effect, he will have the honour thereof, and the *Infanta* being duly informed, must needs acknowledg him to be the person unto whom, in that behalf, she is most obliged.

A      B      C      D

But these motions incensed *Buckingham*: and now having the Prince linked to him, he could over-rule the King, and bear down all his Adversaries. The Prince and the Duke began to take a popular way, and to close with those of the Privy Council and the Nobility that were opposite to *Spain*, and best liked of by the Puritan Party: They projected also the calling of a Parliament to consult the Nation, and to clear the Kings integrity, and to gain to themselves a great esteem in the hearts of the people.

D      E      F

And some there were that suggested to the King, that the Dukes design was to prevent the Princes Marriage, not only with *Spain*, but anywhere else, that his own greatness might still be absolute. For, say they, were it love to his Country that led him to a breach and War with *Spain* there was as much reason for a breach of the Match and Peace, when the Parliament urged it, as now there is. And they said that the approaching Parliament was to Marry the Duke to the Common-wealth, that he might stand not only by the King, but by the People and popular humor which of late he hath courted earnestly; and so they warned the King to have more special care of his own preservation.

E      F

But the Earl of *Bristol* was straightly commanded to follow the new Instructions; namely, before he deliver the Powers, or move to the Contract, to procure from the King of *Spain*, either by Publick Act, or by Answer, under his hand and Seal, a direct Engagement for the Restitution of the *Palatinate*, and the Electoral Dignity; by Mediation, or by the assistance of Arms, if Mediation fail; together with a limitation of the time, when the way of Mediation shall determine, and the assistance of Arms begin. And the King declared, That he had reason infinitely to think it requisite to deal plainly and clearly with his Brother of *Spain* because the *Berg* strot in the *Palatinate*, the prime flower of his Son-in-laws Revenue was taken by the Arms of *Spain*, and put into the possession of a *Spanish* Garrison, or under their Command; and the Country or Revenue thereof, was contrary to the Contract with the *Infanta* at *Bruxels*; and upon an old pretence, freshly delivered into the hands of the Bishop of *Mentz*, being none of those to whom Interest or Mediation had been formerly used, or thought of; who were only the Emperor, the King of *Spain* and Duke of *Bavaria*.

F

And concerning the Marriage Portion, he absolutely rejected both Jewels and yearly Revenue, as contrary to the first Agreement, and ex-

21 *Jacobi.*

Sir *Walter Aston* endeavours to r. concile the Duke to *Spain*.

Advice to the King touching the Duke.

The Earl of *Bristol* is commanded by the King to follow the new Instructions.

An. 1623.

pected the Total sum in *specie*, at reasonable times of payment. As touching the Espousals, he commanded the suspension of the Powers left, and sent the Powers renewed by the Prince, for a larger time, that no blame might light on him, or his Son, in case that King could not give satisfaction in so short a time, as that wherein the former powers would become invalid. In the mean while, he said he was ready to propound good ways to satisfie the Duke of *Bavaria* in point of Title and Honour, and to continue the Negotiation for Matching the *Palatines* Eldest Son with the Emperors Daughter.

The Earl of *Bristol* had a difficult part to act in *Spain*, and in *England* the Duke set all his strength to crush him. The Surrender of the *Palatinate* to the Kings contentment was not probable, after it was ransacked and alienated, and as a common Booty shared in parcels to several Princes.

King *James*  
puts the *Palatine* in hope,  
by proposal of  
new Terms.

Nevertheless, as yet the King hoped by Treaty to compose the whole business, and to satisfie the several Interest. And having by his continued patience and industry reduced Matters to a Circle of lesser extent than the former generalities, tendred to the *Palatine* these terms of hope. In the first place, That he make a due submission to the Emperor under convenient Limitations, which shall first be granted in Conformity to that which is Noble, with Assurance requisite for the free and safe going and return of his Person and Train. And that this being done, a Present and full Restitution of all the *Palatinate* shall be made to the person of his Son, and that he himself shall be his Administrator during life; and that after the Death of the Duke of *Bavaria*, his Son shall be established in the Electoral Dignity. Moreover, if the Marriage between his eldest Son, and one of the Emperors Daughters should take effect, it would ensure the enjoyment of all according to the present contract, and make way for the bettering of the Conditions to his own person. In contemplation of which Marriage the other party have approached a degree nearer, to wit, That the Electorate shall return to his own person after the Death of the Duke of *Bavaria*. And as touching the many difficulties in the Treaty of this Marriage, to wit, the Education of his Son, he had devised a way for the satisfaction of parties, which was, That he should be brought up, neither at the *Hague*, nor in the Emperors Court, but with his own Son the Prince of *Wales*, and in the presence of the *Infanta of Spain*, after her arrival in *England*. Upon these Overtures the King advised his Son-in-Law to have recourse to his own Wisdom, and after mature deliberation, to make a choyce agreeable to the honour and safety of his estates. And he delivered his own opinion, That a ready entrance into the possession of his own estate, with a kind of present liberty, and an assurance in time to recover more, was to be chosen rather than his present bare condition and hazardous expectation upon other uncertain means.

Upon the tender of these Proposals, Letters of Consultation were sent to the King from his Son-in-Law, and from Sir *Dudly Carlton* to the Duke of *Buckingham*; who, for the greatness of his power, was to be courted and made a friend in all transactions.

To the submission in the first place required, reply was made, That in natural order, the restitution which was material and substantial, ought to precede the same, which was but a point of Ceremony, or at least, it is necessary that all things be resolved, and settled in such assurances as shall be held convenient, otherwise a submission might be yielded

The *Palatines*  
Answer to  
those Terms  
proposed by  
the King.

21 Jacobi.

A yielded and the Restitution never follow. Besides, if the Emperors intentions be sincere, and real, and without any aims to take advantage upon the *Palsgraves* person ( as the Emperor, *Charles the Fifth*, did upon the *Landgrave of Hessen*, under the subtle distinction of a syllable in the safe conduct ) the Submission might as well be made by a Deputy ; by which means he might be freed from those apprehensions, which the Executions at *Prague*, and other cruelties used by the Imperialists, might impress in his mind. Moreover, a Submission under the specified Condition of yielding the Electorate to the Duke of *Bavaria*, will prejudice his cause for ever : For the Electors of *Saxony* and *Brandenburg*, who have always protested against the Translation, and the other Princes of *Germany* who have like-feeling, will disavow their own protestations in regard of him who shall abandon his own pretensions ; and instead of favoring him, may be made his enemies. The experience of things may shew what issue is like to follow a consent to the like Conditions ; for the Emperor had manifestly abused him in two Overtures alreday.

B First the Instrument signed for the Conditional Resignation of the Crown of *Bohemia*, in the year One thousand six hundred twenty and one, servd the Emperor to accelerate the Treaty then on foot with *Bethlem Gabor*. Secondly, The Ratification of the Suspension of Arms the last Summer, served to intimidate the Electors of *Brandenburg* and *Saxony*, that they may not undertake any thing against the Emperor. For both the one and the other, were for these very ends divulged by the Emperor before any thing was therein concluded : And so will the Emperor make his advantage of the prefent Proposition, both to hinder the Progres of *Gabor*, and to continue the intimidation of the Princes of *Germany*. Furthermore, in this Submission it were necessary to take care that his undue Proscription and Banishment, being to the prejudice of the Constitutions of the Empire, and held by the Electors of *Saxony* and *Brandenburgh* of no validity, may not be approved, and a mark of Infamy set upon the *Palatine* and his posterity. And lastly, shame and disgrace will be the end of this Submission, there being assurance of no better dealing than was used to the deposed House of *Saxony* by *Charles the Fifth*, an Emperor not worse than this ; the Heir of which House, being one of the worthiest Princes in *Germany*, is now in hard conditions before the eyes of the exiled *Palatine*.

C Unto the second point, the exclusion of the *Palsgraves* person and the settling upon his Son, it was thus replied, That *Spain* had always given hope, and the Earl of *Bristol* great assurance even when the Marriage was not so far advanced as now it is : That in case of the Emperors refusal, they would assist his Majesty, and Compell the Emperor to an entire Restitution. Besides, there is little ground of hope from these Treaties as they are managed, and wire-drawn by the House of *Austria*, from whom we have ever new overtures in Winter, and new ruptures in Summer : For the Emperor wanteth but two or three years leisure, which he will easily gain by a Treaty of Marriage, to establish in *Germany* the Translation of the Electorate and *Palatinat*e without any hope of Recovery : Therefore sufficient Assurances should ever precede the Treaties : for the present season did offer a very fair opportunity of recovering the Estate and Dignity.

D The *Palatines* pretentions were not prejudiced by a long interposition of time, the memory of the undue proceedings in the *Ban*, and the Translation and the seizure of his Inheritance are fresh in the minds of the Princes,

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Princes, who by their own Interests are moved to a greater compassion. As for the hope of Restitution from the Match with Spain, there is little reason to put a difference between the *Spaniards* and the *Imperialists*, who have with joyned consent conspired the ruine of the *Palatinate*, with the same Forces, Counsels and Desigues: And whilst things have been some times upon terms, and always in talk of an Accommodation, the Elect *rate* is given to the Duke of *Bavaria*, and avowed by a Congratulatory Message from the Arch-Duchess; the upper *Palatinate* is settled in the *Bavarians* possession, and a Portion allowed the Duke of *Newburg* for his contentment. A principal part of the Lower *Palatinate* is given to the Elector of *Mentz*, by the consent of those at *Bruxels*, and the rest is promised to be parcelled among other Princes.

Now for the hopes of a surer way to regain an happy settlement, by the Concurrence of the King, his Allies and Confederates, and the whole Protestant Party in *Europe*; let these Matters be weighed in the balance of Common Judgement. The Electors of *Saxony* and *Brandenburg*, and all the Princes, save those of the Catholick League, have declared, That the Peace of *Germany* depends upon the restoring of the *Palatine*: Besides, the Levies which they made in the begining of the last Summer, (though by the unfortunate accident of Duke *Christian* of *Brunswick*, they were soon dismissed) do testifie the same affections still remaining in them, and the same Resolutions to embrace any good occasion for recovering the liberty of *Germany*. The number of those that have this conjoined Interest, is great and mighty, yea, the greater part of the people, both Horse and Foot, which marched under the Catholick Banner, were of a contrary Religion and affection, and more inclined to the ruine, than preservation of the Catholick League: all that is wanting in the concurrence and conduct of some great Prince that may support them against the House of *Austria*: The King of *Denmark* being a Prince full of circumspection, and being unwilling to enter into play alone, made answer to all instances, That as other Princes have their eyes on him, so he hath his eyes one the King of *Great Britain*. Wherefore, although for these two or three years past, Affairs on this side have gone in a continual decadence, and a final ruin be now threatned, unless it be withstood by some Princely resolution, not of petty, but of great Princes; yet there is no such despondency in the good party, but sufficient vigor yet remaining, not only to subsist, but to raise and flourish again. And one of those Kingdoms which are in his Majesties possession having wrought great effects in the affairs of *Europe*, even when counterballanced by the other two, doth demonstrate what may be done by the joyned forces of all three together, especially when the peoples affections are raised to the enterprise. Thus did the *Palsgraves* Counsels dissent from our Kings Proposals,

And there were not wanting, both of the Kings Counsel at home, and of his Agents in Foreign parts, such as frequently warned him of the disappointment and dishonour that would follow those wayes of Treating with implacable, though flattering Enemies, and shewed him the sure and honourable way of re-establishing his Children in their Patrimony; not by their Enemies courtesie; but by the united strength of the Protestant Arms in all parts of Christendom; of which party, the King might have made himself the head and great Commander.

In the languishing, and almost expiring Condition of the Spanish Treaty, the United Provinces in the *Netherlands*, appeared ready to embrace the opportunity of renewing the antient Union with *England*, in all

21 Jacobi.

- A all mutual confidence, and strong assurance. And the King was moved to return to those old Confederates the surest supports of his Crowns and Family : For it hapned that in latter times, a distrust and strangeness had grown betwixt them. *Bernevelt* and the *Arminian Faction* had drawn the States to new Alliances, and commonly procured Answers to be given to King *James*, and his Ministers, in a harsh and peremptory stile. In like manner the King did not care to own them fully, esteeming them an evil example for a Monarch to cherish. Nevertheless, he did them many good turns worthy of acknowledgment, and particularly in opposing the Faction of *Arminius* and *Vorstius*, and the rest of that sort, who caused great distractions in the Belgick Church and State : Nay, he was thought to have done more than requisite, in rendring the Cautionary Towns, and in conniving with too much patience at the insolencies and misdemeanors of their Marriners. But the Prince of *Orange* expresed good will to an intire friendship with *England*, and assured the English Resident at the *Hague*, that whensoever the King would be to those Provinces, as Queen *Elizabeth* was in her time, they would be the same to him, as they had been to Queen *Elizabeth*: But as yet they keep themselves reserved, because they suspect that the Introductions, and Tentatives to a Union with them, have been to no other end, but to indear the English Marchandize, and to inhaunce its prize to the King of *Spain*: For they conclude, that *Spain* will never Match with *England*, but for hope, or fear; hope of reducing those Provinces by the Match, or fear, if the Match proceed not, that the King will joyn with the Provinces in opposition to *Spain*; and in either of these cases they hold the Match as made: As for themselves, they represent this assurance of a firm Conjunction; for that instead of giving an ear to Overtures and Concessions; which from day to day were presented to them, they have put themselves to the offensive, by preparing a strong Fleet, which is ready to set sail to the *West-Indies*, to the end they may at leaft interrupt the peaceable Annual return of the Gold and Silver of those parts, by which the House of *Austria* do continually advance their greatness. And this preparation, together with their Voyages into the *East-Indies*, will make them irreconcileable to *Spain*.

- E These enterprises were commended to the King, as approved by all good men, to be a principal means to cast down the fearfull power of *Spain*: Only it was too vast a design for that little Country; but if the King were pleased thoroughly to close with them, their Affections and constant interest would so bind them to him that he might absolutely dispose of them, and by their Forces by Sea and Land, conjoyning with his own, be able to give the Law to *Europe*. And the present state of the Provinces might incite the King to this Conjunction. For the last Summer, if the *Imperialists* had joyned with the *Spaniards*, they had undoubtedly made an irruption into the borders of that State; and they are like to break in this next year, except some notable Turn shall intervene; and then our best Link for a Bond of Friendship is broken, and those Provinces of a strong Staff will become a broken Reed. Such representations were made to the Court of *England*; but, the Counsels then prevailing were not propense to this Conjunction, and Interest, although we were then breaking with *Spain*, and the House of *Austria*.

F About the beginning of *December*, when the Ratification came from the new Pope, Bonfires were made throughout all *Spain*, and the great Ordnance thundred out reports of joy: And that King, to satisfie his

Oath

The Ratification come from the new Pope; and when all is ready for the Espousals, then is the Match dash'd by order from *England*

A.D. 1623.

Oath made to the Prince of *Wales*, prepared for the Espousals, and a day was prefixed, and all thing appointed for the Solemnity, according to the Magnificence of that Court. The *Infanta's Family* was settled, her Officers distinguished, and the beginning of *March* was the time for her journey into *England*. From the Prince's departure, she had applyed herself to the learning of the English Tongue. The English Ambassadors carried themselves like Subjects towards her, As being their Masters Wife, or Spouse. Many rich presents had she prepared for her future Lord and Husband. And the Earl of *Bristol* had provided many costly Liveries for his Attendants in the Solemnity of the Espousals. But all things were instantly discomposed by the opening of the new commands from *England* to the Earl, which were to procure an intire surrender of the *Palatinate* and *Electorate*, before he move one step further towards the Contract.

In the Court of *Spain* there was great resentment of these new delays, and they discerned a breach towards: The *Infanta* gave over the study of English, and was no more stiled the Princess of *England*; but to the Demands from *England*, the King of *Spain* replied, That if a Treaty be set on foot, and the Emperor, and the Duke of *Bavaria*, will not come to Terms of Conformity, he will joyn Arms with *England*, to recover the *Palatinate*: The *Spaniards* confessing the Demand just, but unseasonable, professed, the *Desponsorio's* past, the *Infanta* on her knees should have been a Suitor to the King to restore the *Palatinate*, making it thereby her act, and drawing the Obligation wholly to her. These offers did not satisfie, *Bristol* was called home, and all was dashed to pieces.

It was an amazement to the Christian World, that when the Match was brought to such perfection, the motion should be rejected by that side which pursued it with so much eagerness and patience, as being the master-piece of all their designs.

In the latter part of this long tedious act, the *Spaniard* appeared real, but in the former part their reality was questionable: For our parts the business shall remain as we find it, a dark *Riddle* and *Mystery*.

The Earl of *Bristol* having demurred upon the new Instructions, to prevent (as he desired) the embroyling of the whole Treaty, was to make his Apology to the King his Master, and for himself he thus pleaded, That he understood the *Infanta* was his young Masters Wife, or Spouse at least, and that both the King and Prince infinitely desired the Match; The powers were drawn by the intervention of both parties, the King of *Spain* accepting them, and the Prince legally delivering them and they were deposited with him in trust, as the Ambassador of the King of *Great Britain*, with a Publick Declaration, how and when he was to deliver them; and this was drawn into an Instrument by the Secretary of State: According to this state of things, he appeals to any Censure, which were the more prudent, honest, and dutiful way; whether to put a disgrace upon so great and worthy a Princess, who was to be his Masters Wife, and a scorn upon the King of *Spain*, by nominating a day for the Marriage, when the powers would be expired, and not at all to insist upon making good the Publick Trust reposed in him by two so great Monarchs, to the hazard and overthrow of so great and important a business; or contrarwise to represent to his Majesty the state of things in Truth and Sincerity with his humble opinion of the wrong and disgrace to the *Infanta*, by deferring the Marriage, and of the indignity offered to the

*Bristol* sends his Apology to K. James for having demurred upon the new Instructions

King

21 Jacobi.

King of *Spain*, and the danger of the whole Treaty, by the detention of the powers, without the pretence of some emergent cause : And after all this, when his Majesty had declared his pleasure, there was ready an exact obedience. Wherefore in the confidence of his own Innocency, he professed as great a confidence of his Majesty's accustomed grace and favour.

A *Bristol* being called home, acquainted the *Conde Olivares* with the Letters of Revocation, and desired withal to have a day assigned him to take his leave of the King. *Olivares* answered, That he had much to say to him by his Majesty's order : and spake to this effect in the presence of Sir *Walter Aston*, and the *Conde Gondomar* : That the King had received large advertisements, with what malice and rancor his Enemies did prosecute him, and how powerful they are in *England*; And in regard that the envy which was drawn upon him proceeded from his earnest endeavour to accomplish the Match ; and that the particular fault laid to his charge, was, in point of delivering the Proxies deposited in his hands, that his Majesty takes it to heart, and judgeth himself touched in his honour, it for this cause his enemies shall prevail so far, as to work his ruine or disgrace : And therefore he will write to the King of *Great Britain*, and send a particular Ambassador, if it be needful, to mediate for him ; for that he had served his Master with that exactness and fidelity, which deserved not only to be assisted by all good offices, but to be rewarded and published : And his Majesty, for the example of his own Subjects, and for encouragement of all such as should serve their Princes with the like loyalty, had sent him a Blank, signed by himself, wherein he might set down his own conditions, both in point of Title and Fortune. And this he did in no wise to oblige another Prince's Subject, but only to give encouragement to honest and faithful proceedings : And therefore he would not make these offers in private, but open and justifiable to all the world : And would accompany all that he should do with a Declaration or Patent, That what he had done for the Earl of *Bristol*, was for the fidelity wherewith he had served his own Master.

*Olivares* offers *Bristol* large Presents in the King's name, when he was to take his leave.

C D Hereunto the Earl made answer, That he was sorry, and much afflited to hear such language ; and desired that they should understand, that neither this King nor *Spain* were beholding to him ; for, whatsoever he had done, he thought the same to be fittest for his Master's service, and his own honour, having no relation to *Spain* ; and that he served a Master, from whom he was assured both of justice and due reward ; and nothing doubted, but his own innocence would prevail against the wrong intended by his powerful Adversaries : And were he sure to run into imminent danger, he had rather go home, and cast himself at his Master's feet and mercy, and therein comply with the duty and honour of a faithful Subject, though it should cost him his head, than be Duke or Infando of *Spain* : And that with this resolution he would employ the utmost of his power to maintain the amity between the two Kings and their Crowns, and to serve his Catholick Majesty.

*Bristol*, Answer to these Protests.

E F After he had taken his leave, and was ready to come away, he had another profer made unto him, in private, of Ten thousand Crowns, to take with him in his purse, to make his way, and go through with his troubles, if haply his own monies might be seised upon : And it was told him, no body shoule know it. Yes, said he, one would know it, who, he was assured, would reveale it to his Majesty ; viz. the Earl of *Bristol* himself ; and it would make him not so clear in his own heart as now he was ; And so he refused the offer.

An. 1623.  
The Spaniards  
prepare for a  
War with  
England.

The Match was now truly broken, but as yet the breach was not declared, nor the Treaty quite fallen to the ground, but continued after a languishing manner in the hands of Sir Walter Aston. The Spaniards, by all advertisements from England, were advised to expect a War; and accordingly they went seriously to work, and prepared themselves for what might happen ; and Aston being there upon the place, conceived it high time, that King James should resolve upon some course to allay the storm arising, or to go hand in hand with them in equal preparations. All that was left alive of the Marriage-business, was no more, then that those Jewels which the Prince had left at his Farewell, were not yet returned : But if the Letter then expected from England brought no better Answer to their last offer concerning the Palatinate, then such as they had hitherto received, they will return the Jewels, and declare the Marriage broken. For by this time they had received intelligence, of the Prince's treating a Marriage with a Daughter of France, the Lady Henrietta Maria. And so it was, that King James had lately sent the Lord Kensington, afterwards Earl of Holland, to enquire covertly, whether the Match were feasible, before he would enter into a publick Treaty.

The Lord  
Kensington  
sent Ambassador into  
France, to feel  
the pulse of  
that Court  
touching a  
Match, renders  
an account of  
his acceptance.

The Lord Kensington returned this account of his Negotiation : That there appeared in the face of that Court an extraordinary sweetness, smoothness, and clearness towards an Alliance with England ; the Princess herself was observed seldom to have put on a more cheerful countenance, then she had done the first night of his appearance in that Court ; The Queen, though a Daughter of Spain, wished this Match more, then that intended with her own Sister ; and the Queen-mother who will have the chief stroke in the business, expressed her good-will and favour, as much as might stand with her Daughter's honour. For the French observe the aspiring of the King of Spain to the Monarchy of Christendom, and his approaches to the Kingdom of France, and his encompassing it on all sides : and they discern'd, that an Alliance with England is the surest way to oppose the mightiness of that King : and upon the same account, they promised brave assistance to the United Provinces, gave great encouragement to Count Mansfield and Duke Christian of Brunswick : A Gentleman of the Religion was sent to Liege, to offer them the King's protection, if that Town would seek it. Nevertheless they have not directly embraced this overture of Marriage, because we have not as yet wholly abandoned the Treaty with Spain ; lest they should lose the Friendship of a Brother in law, to gain another which may possibly fail them. But they say, that their hearts are not capable of more content, then to see this Motion upon a publick Commission, and all that may touch upon the way of Spain dissolved. Neither are they like to strain us to unreasonable Conditions, in favour of the Roman Catholicks in his Majesty's Dominions : For in that matter their pulse beat so temperately, as to promise a good Crisis therein : And, in case his Majesty be drawn to banish the Priests and Jesuits, and to quicken the Laws against other Catholicks, to keep a good intelligence with his Parliament ; yet, they say, they hope he will not tie his hands from some moderate favour, to flow hereafter from the mediation of that State, which is all they pretend unto for the saving of their honour, who otherwise would hardly be reputed Catholicks.

Thus the Lord Kensington having rendred an accownt of his diligence, advised to go on roundly with the Match, lest otherwise, though never so well affected, they be altered with the Arts of Spain : For (faith he ) un-

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undoubtedly the King of Spain will resolve, if possible, to oblige one side; and, as the French do think, he may please England with the restitution of the Palatinate so we may think, he will please the French with endring of the Valtoline. But without the assistance of a Parliament, and compliance with the People, the King could not go through with those weighty works which he was now to take in hand. Now the things which troubled the People, were set forth to the King in three particulars: As,

21 Jacob.

The King ad-  
vised to call a  
Parliament.

A for the Subsidies granted in the two last Parliaments, they received no retribution by Bills of Grace: That some of their Burgesses were proceeded against after the Parliament was dissolved: and that when they have satisfied the King's demands, he will nevertheless proceed to the conclusion of the Spanish Match. Hereupon some of his nearest Counsel persuaded him to begin the work, by removing the peoples jealousies, and to cast some crums of his Crown amongst them, & those crums would work miracles, and satisfy many thousands. And whereas the aim of the former Treaties was, the settling of an universal peace in Christendom, and since the malice of deceitful men hath crost those fair ways, abusing his Majesty's trust and goodness, he must cast about, and sail by another point of the Compals, whereby he might securely and easily attain to his noble and pious ends. The means whereunto were these: First, that his enemies know the Lion hath teeth and claws: Next, that he embrace and invite a strict association and friendship with those, whom neighbourhood, alliance, and common interest of State and Religion had joyn'd to him. Feb. 19. the Parliament began at Westminster, the King being set in the Throne, spake thus.

B " I Have assembled you at this time, to impart to you a secret and matter of great importance, as can be to my State, and the state of my Children: wherein I crave your best and safest advice and counsel according as the Writ, whereby you were assembled, imports, That the King would advise with you in matters concerning his Estate and Dignity. And as I have ever endeavoured, by this and the like ways, to procure and cherish the love of my people towards me, so I do hope, and my hope is exceeded by faith; for I fully now believe, that never any King was more beloved of his People; whom as you, my Lords and Gentlemen, do here represent, so would I have you truly to represent all their loves to me; that in you as in a true Mirror or Glass, I may perfectly behold it, and not as in a false Glass, that represents it not at all, or otherwise then it is indeed. Give me your free and faithful counsels in the matter I propose, of which you have often heard, the Match of my Son: wherein, as you may know, I have spent much time, with great cost, in long Treaties, desiring always therein (& not without reason hoping to have effected my desires) the advancement of my State and Children, and the general Peace of Christendom, wherein I have always constantly laboured, depending upon fair hopes and promises. At the earnest instance of my Son, I was contented (although it was of an extraordinary nature) to send him to prosecute his desires in Spain; and for his more safety, sent Buckingham (in whom I ever reposed most trust of my person) with him, with this command, Continually to be present with him, and never to leave him, till he had return'd again safely unto me. Which he perform'd, though not with that effect in the business that I expected, yet not altogether without profit; for it taught me this point of wisdom, *Qui versatur in generalibus*, is easily deceived, and that Generality brings nothing to good issue; but that before any matter can be fully finished, it must be brought to particulars: For, when as I thought the affair had been before their going, produced

The King's  
Speech to the  
Parliament.

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"to a narrow point, replying upon their general propositions, I found, "when they came there, the matter proved to be so raw, as if it had never been treated of; the generals giving them easie way to invade, "and affording them means to avoid the effecting of any thing.

"The particulars that passed in the Treaty, I mean not now to discover to you, the time being too short; I refer you to *Charles and Buckingham*, and the Secretarie's Reports, who shall relate unto you all the particulars. And after that, *Super totam materiam*, I desire your best assistance to advise me, what is best and fittest for me to do, for the good of the Common-wealth, and the advancement of Religion, and the good of my Son, and my Grandchildren of the *Palatine*. And of our Estate, I know you cannot but be sensible, considering that your welfare consists in ours, and you shall be sure to have your share in what misery shall befall us: And therefore I need to urge no other Argument to you in this behalf, in offering me your wisest and surest counsel and furtherance. And I assure you in the faith of a Christian King, that it is *res integra* presented unto you, and that I stand not bound, nor either way engaged, but remain free to follow what shall be best advised.

"To plant is not sufficient, unless, like good Gardiners, you pluck up the weeds that will choak your labours: And the greatest weeds among you, are Jealousies; root them out. For my actions, I dare avow them before God; but Jealousies are of a strange depth. I am the Husband, and you the Wife, and it is subject to the Wife to be jealous of her Husband: Let this be far from you! I can truly say, and will avouch it before the seat of God and Angels, that never King governed with a purer, sincerer, and more uncorrupt heart, than I have done, far from all will and meaning of the least error or imperfection of my Reign.

"It hath been talked of my remissness in maintenance of Religion, and suspition of a Toleration: But, as God shall judge me, I never thought nor meant, nor ever in word expressed any thing that favoured of it. It is true, that at times, for reasons best known to my self, I did not so fully put those Laws in execution, but did wink and connive at some things, which might have hindred more weighty affairs; but I never, in all my Treaties, ever agreed to any thing, to the overthrow and disagreeing of those Laws, but had in all a chief preservation of that Truth, which I have ever professed: And, as in that respect, I have a charitable conceit of you, I would have you have the like of me also, in which I did not transgress: For it is a good Horse-man's part, not always to use his spurs, and keep straight the reins, but sometimes to use the spurs, and suffer the reins more remiss; so it is the part of a wise King, and my age and experience in Government hath informed me, sometimes to quicken the Laws with streight executions, and at other times, upon just occasion, to be more remiss. And I would also remove from your thoughts all jealousies, that I might, or ever did question or infringe any of your lawful Liberties or Priviledges; but I protest before God, I ever intended you should enjoy the fulness of all those that former times give good warrant and testimony of, which, if need be, I will enlarge and amplifie.

"Therefore I would have you, as I have in this place heretofore told you, as S. Paul did *Timothy*, avoid genealogies and curious questions, and nice querks and jars of Law, and idle innovations; and if you minister me no just occasion, I never yet was, nor ever shall be curious or captious to quarrel with you: But I desire you to avoid all doubts and

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" hindrances, and to compose your selves speedily and quietly to this  
 " weighty affair I have proposed; for that I have found already, delays  
 " have proved dangerous, and have breed distraction of this busines; and  
 " I would not have you by other occasions to neglect or protract it. God  
 " is my Judge, I speak it as a Christian King, Never any wayfaring man,  
 " that was in the Deserts of Arabia, and in danger of death for want  
 " of water to quench his thirst, more desired water, then I thirst and desire  
 " the good and comfortable success of this Parliament, and blessing upon  
 " your Counsels, that the good issue of this may expiate and acquit the  
 " fruitless issue of the former, And, pray I God, your Counsels may ad-  
 " vance Religion, and the Publick weal, and the good of me and my  
 " Children.

B

*Febr. 21.* The Commons presented Sir Thomas Crew for their Speaker,  
 who prayed an excuse; which being denied, he made this Speech.

C

" Since I cannot bring an Olive-branch in my mouth, as a sign of my  
 " peace, and that God (in whose hands are the hearts of Kings) without whose providence a Sparrow doth not fall to the ground,  
 " whom no man can resist, hath inclined your Majesty to cast your eye  
 " of grace on me, and to confirm me in this place. I am taught in the  
 " best School, that *Obedience is better than sacrifice*. And will only say  
 " with a learned Father, *Da Domine quod jubes, & jube quod vis*. Other-  
 " wise I have great cause to be afraid of such a Charge, to be executed  
 " before so great a Majesty, and in so great an Assembly, but that I hope  
 " your Majesty will extend your Scepter of grace, as *Ahasuerus* did, to  
 " sustain me in my fainting.

D

" Your Majesty is *Princeps Hæritarius*, descended from both the  
 " Roses, and hath united both the Kingdoms: At your first entrance you  
 " wrought a wonder in the tumult of our cares, and cloud of our fears,  
 " hapning upon the death of the late Queen, by the bright beams of your  
 " Sunshine; which a Poet elegantly expressed, *Mira cano, sol occubuit, nox*  
*nulla secuta est*. There was a *David* in *Hebron*, and no *Ishboseth* to di-  
 " sturb your peaceable entrance, but the Acclamations of all your Sub-  
 " jects and Commons, concurring to express their great contentment.  
 " This was no sudden flash of joy, but a constant blessing, by the continu-  
 " ance of the Gospel and true Religion, maugre the malice and hellish in-  
 " vention of those, who would have blown up all at once; but God  
 " laughed them to scorn, and they fell into their own trap. These things I  
 " leave to your Majesty's Royal remembrance, as a duty to be practized,  
 " and to be expressed by our thankfulness to our holy God; for it is a  
 " good thing to be thankful: *Non est dignus dandis, qui non agit gratias*  
*pro datis*.

E

" Since my designation to this place, I called to mind these Statutes  
 " of late times, and find two of especial note: the first of 32 H. 8. which  
 " was called *Parliamentum doctum*; for the many good Laws made for the  
 " settling of Possessions. The other 39 Eliz. which by a Reverend Divine  
 " was called, *Parliamentum pium*, because the Subjects thereby were en-  
 " abled to found Hospitals without licence of *Mortmain*, or *Ad quod*  
*damnum*; and other charitable Laws, which I omit, being not perpetual.  
 " And I likewise called to mind many glorious offers made by your Ma-  
 " jesty, and other good Provisions at the two last Meetings. Now your  
 " Majesty hath stretch'd forth your Scepter to call us to you again, and  
 " hath

The King ap-  
 proves Sir The-  
 ophorus for  
 Speaker, who  
 made this  
 Speech.

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“ hath made Declaration, that all Jealousies and Distractions might be removed, and the memory of Parliament-Nullities might be buried. “ And my desire is, that your Majesty’s influence may distill upon us, and you proceed in such a sweet harmony and conjunction, that Righteousness and Peace may kiss each other; and that Mercy and Truth may meet; and the world may say, *Ecce quam bonum & quam jucundum Regem & Populum converire in unum.*

“ And, for perfecting of this work, the good Bills against Monopolies, Informers, and Concealers may now pass, and receive strength, with General, Liberal, and Royal Pardon, according to the bounty of the late Queen: That so this Parliament may be called, *Felix, Doctum, & Pium;* which will be good to your Subjects, and no diminution to your Revenue, or derogation to your Prerogative, which in your Majesty’s hands is a Scepter of Gold, but in others hands is a Rod of Iron. I need not speak in the praise of the Fundamental Common Laws: *Veritas temporis filia,* time hath sufficiently justified them. Monarchy is the best Government; and of Monarchies, those which are Hereditary. The best supply of your Majesty’s wants is in Parliament, where the Subject is bound by his own consent; other courses of Benevolence come heavily. The Subjects enjoy the Gospel freely by your protection, and your Majesty may be safe in their Loyalty: other safeties are but as *Ajax* his Shield, a weight rather than a defence. Their desire is, that the good Laws for Religion may be confirmed; and that the generation of Customs, the Jesuits and Seminary-Priests, which were wont to creep in corners, and do now come abroad, may be, by the execution of these good Laws, as with an East-wind, blown over the Sea. Our late Queen Elizabeth lived and died in peace; the Pope cursed her, but God blessed her: And so shall your Majesty, having God to your friend, find safety in the Ark of true Religion, and when you are old and full of days, land you in Heaven; and then your hopeful Prince, which sprang out of your own loins, shall sway that Scepter, which you must leave, to enjoy a Crown Celestial: And God in his due time will restore the distressed Princes, her Husband and Royal Issue, to that Inheritance, which is now possess’d by the usurping Sword of their Enemies. Whereof we are the more confident, because that Countrey was heretofore a Sanctuary in our distress. When Religion was here persecuted, *Cato* was wont to say, *Hoc sentio, & Carthago destruenda est:* But I say, *Hoc sentio, & Palatinatus recuperandus est.*

“ The question was put to a Lacedemonian, Why their City wanted Walls? who answered, *Concord* was their Walls. Your Majesty, under God, is a sole and an entire Monarch, whose Walls are the Ocean without, and fortified within with a Wall of Brass, the bound of Unity and Religion: And happy is that place, of which it may be said, as of *Jerusalem*, *It is a City at unity within it self.* Neither is your Government confined within the limits of this Kingdom, but extends it self to *Ireland*, where your Majesty’s care and pains, in our late employment, gave divers provident Directions for the setting forth of Religion, the reforming of Courts of Justice and the inflicting punishment on the Disturbers of the publick Peace: And I was *Ocularis testimoni*, that you have made these ample endowments of Churches out of your own Escheated Revenue, as will be to your honour in all posterity. But my desire is, as well in the beginning, as in all other our proceedings, our words may be, *terra, paucus, & ponderosa.*

“ Therefore

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"Therefore with your gratiouſe favour, according to antient Presidents, we are humble Suitors, that you would be pleased to allow our antient Priviledges. And that for our better attendance, our Persons, Goods, and neceſſary Attendants, may be free from Arrests; and that we may have liberty of free ſpeech, not doubting but we ſhall confine our ſelves within the limits of Duty. And because this great buſineſſ may give us occaſion often to reſort to your Maſteſty, that upon our publick Suit, you will be pleased to give us your own fit time of access: and that all our actions may have a benign interpretation, and a good acceſſation and opinion.

B

"Lastly, that I may not only be a Speaker, but an humble Suitor, protesting by the great God, by whom Kings do reign, That what-ſoever I have ſaid, hath proceeded from a Loyal heart; I therefore deſire, that may be covered with the vail of your gratiouſe Conſtructi- on, or acquittēd by gratiouſe pardon.

The King having referred the whole buſineſſ of the Spanish Match to the advice of Parliament, the Duke of Buckingham made, to both Houses, in the Palace at Whitehal, a long Narration of all the Transactions in Spain, which was accompanied with the Prince's Atte- ſtation.

C

*In the Narration it ſelf, his Grace obſerved ſix diſtinct and ſeveral parts. The firſt was, The Motives of the Prince his Journey to Spain. The ſecond, The Treaty of the Marriage ſet on foot in Spain, ſeverally and by it ſelf. The third, The Treaty of the Marriage and Reſtitution, united together by a reciprocal Subordination. The fourth, The Prince his Highneſſ return from Spain. The fifth, His Maſteſty's ſu- cequent proceedings in both Treaties, ſince the return. The laſt was, The ſtating of the Queſtion, ſuper totam materiam, wherein both the Houses were to offer unto his Maſteſty their humble Advice and Counſel. Of theſe parts, his Grace ſpake very diſtinctly and orderly.*

The Duke's Narrative

D

## I. The Motives of the Prince's Journey to Spain.

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**T**He Negotiation of Master Chancellor of the Exchequer with the Arch-dutchefs, which miniftriſtred unto his Maſteſty the firſt occaſion of jealousy, and made a kind of diſcovery of the Spaniards indirect dealing with this State: Then was read the aforementioned Letter of the third of October, 1622. from the King to the Earl of Bristol, wherein Bristol was required to let the King of Spain know, how ſenſible King James was of the Emperor's proceedings towards him; and that he ſhould demand of the King of Spain a promife, under Hand and Seal, that Heidelberg ſhould be delivered within ſeventy days after Audience, and the like for Manheims and Frankendale, if they be taken; and if this be denied, to preeſt to have leave to march through the King of Spain's Territories with an Army, for the recovering of his Children's Patrimony; and that the King of Spain ſhould affiſt us with his Forces.

The Duke deſired the Houses to take for truth whatever he ſhould ſay, granted and attelteſt by the Prince's preſence; and declared, That this

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this Letter was not put home to the uttermost of *Bristol*. Hereupon a Dispatch was sent away to my Lord of *Bristol*, expressly commanding him to press his directions more home then yet he had done, and in case he should be denied or delayed by the King of *Spain*, then to take his leave and come away: This was not so fully exacted by my Lord of *Bristol*.

*Porter*, that carried these Letters, was commanded not to stay above Ten days, who, after he had been there some four or five days, and saw nothing towards a Dispatch, went himself to the *Conde Olivares*, (having been his Creature) and desired him that he would speed his Dispatch. *Olivares* asked him what he would have? Who replied, No more then what had been formerly promised, that in case the Emperor should deny the Restitution of the *Palatinate*, the King of *Spain* should assist our King by Arms to recover it, or else give way to our Forces to march thither through his Countrey. *Olivares* replied, That this was a preposterous demand; What, to assist with Arms against the King's Uncle, and the Catholick League! *Porter* speaking to him of the Marriage of our Prince with the *Infanta* of *Spain*, he told him, That he understood not a word of it.

*Porter* acquainted *Bristol* herewith, he said, He would call *Olivares* to an account, if he held this Language with him, and would make him understand, That an Earl of *England* was as good a man as a *Conde* of *Spain*. But sending for *Porter* the next morning, he changed his resolution, and concluded to carry the busines more calmly, and said, the *Conde* was so reserved, because he was slie and dainty to report those Mysterics with that freedom to him, who was not qualified as a Publick Minister. The *Conde* was angry with *Porter* for communicating what he said to *Bristol*. Mr. *Porter* returned with a Dispatch fraught with Generalities, without any one particular or certainty at all made in relation to the Prince's Highness; who thereupon took his resolution to go in Person to *Spain*, and gave himself these reasons for the enterprise.

He saw his Father's Negotiation plainly deluded, Matters of Religion gained upon, and extorted; his Sister's cause more and more desperate; and that this was the way to put things off or on; and that in this particular, delay was worse then a denial; and that according to the usual Proverb, *A desperate disease must have a desperate remedy*.

Hereupon the King commanded the Duke to accompany his Highness in his Journey.

## II. The Treaty of the Marriage severed, and by it self.

When the Prince had arrived at *Madrid*, the *Conde* gave him a visit, magnified exceedingly the Prince's Journey, amplified the Obligations his Highness had put upon that King; and said, That now without all peradventure, it must be a Match, and we must part and divide the whole world between us.

The next day the *Conde* taking the Duke into his Coach, and Mr. *Porter* for his Interpreter, falling into discourse of the Match, he said unto the Duke, Let us dispatch this Match out of hand, and strike it up without the Pope: The Duke answered, He liked the manner very well, but

but desired to understand the Means The Means, quoth the *Conde*, is very easie; it is but the Conversion of the Prince; which we cannot conceive but his Highness intended upon his Resolution for this Journey.

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A The Duke answered forthwith, That with freedom they came thither, and with freedom they would return again, they were no Juglers, neither came they to *Spain* to make new bargains: that the Prince was settled in his Religion; his Conscience was troubled with no scruples in that kind: if they stuck any more upon that string, they would mar all the harmony. Then said the *Conde*, there is no way but to send to *Rome* to hasten the Dispensation; to which the Duke assented. Hereupon the *Conde* wrote his Letter to the Cardinal *Lodovisio*, the Popes Nephew; which being shewed to the Duke, seemed to him to be very heavy; the Duke therefore desired to quicken it with this Postscript, *That now the Prince being arrived, must not be sent back without a Wife; that it delay to a Suitor is a kind of refusal; that Clogging Instructions would amount to a Denial, and new Conditions to an absolute Breach.* The *Conde* fell into choler, said directly it could not be done. This the Prince affirmed to be acted in his presence: But the Earl of *Bristol* made a more benign construction thereof, the Duke a right-down conclusion, That this people never intended either Match or Restitution; and so wished his Highness fairly at home again: However the Messenger was dispatched to *Rome*.

C Four or five days after his Highness was placed to see his Mistress in her passage through the streets, as she made her visits from Church to Church: but pressing for access, he was delayed, but at last obtained a Visit; But a very strange one; He was not suffered to speak unto her, but as they had set it down in words and syllables in writing, saying, They were no Astrologers, and could not foresee the event of this Marriage: and therefore they resolved to admit him as a Prince only, and not as a Suitor. But the *Conde* salved this up with a Compliment, That if the Dispensation were once returned, he should lie with her even that very night; nay, have her he should upon any terms. If he could not be qualified to enjoy her as a Wife, yet he should have her as a Mistress.

D Soon after riding in a Coach, it was urged by the *Conde*, That the *Infanta* was of a tender Conscience, and if she should come into *England*, and find the Prince an Enemy to her Religion, it would quite dishearten her. His Highness consented to hear her upon this Subject, because he was alike to convert her, as she was to pervert him. A Conference with Divines was pressed upon his Highness, which he refused, and said: if after disputation with them, they should not prevail against a young Man they would remain much disgusted and ill-affected to the whole Negotiation. This kind of importunity was still used toward the Prince, till the return of the Dispensation.

E Six weeks after the Princes arrival came the Dispensation; but his Highness understood from *Rome* by Mr. *Gage*, that the Dispensation was returned much clogged in Matter and Manner, especially with the annexed new Condition. The King of *Spain*, before the receiving of the Dispensation, was to take an Oath to see all the Articles performed; whereupon Faculty was issued, really performed, or else to make War in case of any failer upon the King of *England*.

F His Highness signified his Resolution unto them, that he neither could nor would add or alter any thing of the first Articles sent to *England*.

A *Juncto* of Divines are appointed to meet and consider, whether the King might safely take the Oath. By this time the Prince had gone

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through all the Articles, sitting in person with the Committee ; onely leaving three undiscussed, That of the Church, that of the Nurse , and that of the Education of the Children ; which his Highness reserved till he should speak with the King. Then said the *Conde*, now the busines is in a better way than ever it was, a Match, and without more ado she was his Wife.

But the next day came *Gondomar* and speake unto the Prince of the same Match, as of a new thing, and told him plainly, that unless his Highness came to all the Conditions of the Dispensation as they were sent from *Rome*, clearly and intirely, nothing would be done ; for they had no power to remove or alter a word of false Latine. Whereupon his Highness was justly distasted, and offered to break. Then they pressed the Prince, that he would be pleased to stay twenty dayes, until the King of *Spain* might receive an Answer from *England*. The Prince resolved to stay, upon condition that Sir *Francis Cottington* might be dispatched away within two days, and some Mesflenger that might overtake him with the Articles that should be sent after, as soon as ever they could be made ready : But the two dayes of their hammering spun out to twenty ; at the end thereof they brought them with new Additions.

The Articles being at last sent to *England*, the *Jando* of Divines delivered their opinions, that the *Infanta* could not be sent over before the Spring ; at which his Highness was offended , but the *Conde* prevailed with him to stay untill their Ambassador should certifie out of *England*, that the Articles were assented unto by King *James*, and put in execution, and then the Lady should go with the Prince.

The Bishop of *Segovia* was pleased to say to the Duke, That he had heard something of the estate of our Kingdom, and had received it from good hands ; That our King could not make a Toleration without a Rebellion, and easily believed it ; because the King of *Spain* is not able in his Dominions to effect the least enterprise, without incurring the like danger ; therefore he concluded, it was unsafe to send the Lady thither at this time, because we having granted as much in effect as a Toleration, it was very probable she should be welcomed with a rising and rebellion. To which the Duke replied, That if the favors which the King his Master had exhibited to his Catholicks at the Mediation of that King , and the Advice of that very Committee of which that Bishop was one , be of so dangerous a consequence ; it seems their Lordships who gave the Advice for that Article, though they pretended Religion, intended plain and open Rebellion. But you must know, quoth the Duke, if his Highness had been of my Lord Bishops opinion, That these Conferences had amounted to a Toleration ; he had never accepted of these Articles to have gained any allowance : For what was agreed unto , was but a Temporary Suspension of penal laws, but no Toleration ; for that could not be done, but by consent of Parliament. Then *Gondomar* hereupon said, that for his part, he did not hold it fit to send the *Infanta* thither , before the Articles be perfectly put in execution. And *Gondomar* privately infused to the Prince his Highnes, being incensed against the Duke, That the Duke was in heart, (as he said all his kindred were) a *Roman Catholick* ; and he said to a Jesuit of great account and zeal in those parts, That the Duke was a most obstinate , perverse and refractory Puritan.

About this time it was reported that the Prince intended to steal away ; whereupon they laid in wait to intercept him : Hereupon the Duke was

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was sent to tell them, That although they had stolen thither out of love, they would never steal thence out of fear.

A About this time the Prince sent a Message to his Father, That if he should receive any Advertisement, that he was detained by the state as a Prisoner, he would be pleased for his sake, never to think upon him any longer as a Son, but reflect upon the good of his Sisters, and the safety of his own Kingdoms.

### III. The Treaty of the Match and Restitution reciprocally subordinated.

B IT is fit to observe this passage, which is the hinge whereupon all his Highness subsequent Actions are turned and moved. He had never staid a sevennight longer in Spain; he had never left any Proxy with Bristol; he had never taken any Oath at the Escorial; or ever so much as written a Letter of complement to the Lady; but that he had still before his eyes, as his Cynosure, the promise made by the Conde for the Restitution of the Palatinate.

C To hadden the delivery of the Lady, the Duke presented unto the Conde, how his Master was now in years, the Prince his only Son; and he would suffer in Honour and Reputation, to return home without his Wife. The Conde consented hereunto, and desired the Prince would name a day for his departure.

D This news came to the Infanta, who seemed to be Apprehensive of the Princes going away, and prevailed with his Highness to return this Complement unto her, That rather than he would give her Alteza any disgust, he would stay for seven years,

E By this time Sir Francis Cottington is arrived with all things perfected by the King, and Letters from the Ambassadors of full satisfaction, and a command from the King to his Highness, to make his return within one month.

F Now began the Conde to enter into the Treaty for the Restitution of the Palatinate, saying; The Lady should by no means go to England, before that business was accommodated. And it was projected, That there should be a Restitution of the Land to the Prince Palatine, upon a Condition of Marriage with the Emperors Daughter, and that he should be bred in the Emperors Court. The Prince demanding of the Conde, whether in case the Emperor proved refractory, the King his Master would assist him with Arms to reduce him to reasonable terms? The Conde answered Negatively; because they had a Maxim of State, that the King of Spain must never fight against the Emperor; for they would not employ their Forces against the House of Austria.

G Hereupon his Highness made his Protestation to the Conde; Look to it Sir, for if you hold your self to that, there is an end of all; for without this you may not rely upon, either Marriage or Friendship.

H By this time the Prince is grown cheap and vulgar in the Court of Spain, so that they will scarce bestow a visit upon him, and the Conde came very seldom to him: and two Letters came to the Dukes hands, which shewed, that all that the Conde did, was nothing but flashes and lightning; notwithstanding he seemed at this time to be in a good humor, and told the Duke, that now certainly it must be a Match, and the Devil could

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could not break it : The Duke replied, He thought so, and the Match had need be very firm and strong, it had been seven years in Soadering. The *Conde* denied, and said plainly, it had not been really intended seven months ; and said, I will fetch that out of my Desk, that shall assure you thereof ; and so produced two Letters, the first was written with the King of Spains own hand, Dated the Fifth of November, 1622, And the other from the *Conde Olivares* of the Eighth of November, 1622 Both which Letters are mentioned before.

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#### IV. The Princes return from Spain.

**A**nd now the Prince returning for England, being engaged to leave his Proxy, did deposite the same in the hands of the Earl of *Bristol*, who was to keep it, and use it as his Procurator ; that is, As he should receive his Highness Direction, from time to time : His words for the present were ( said the Duke ) That if the Confirmation came from *Rome* cleare and intire, ( which it did not ) then within so many days he should deliver it to the King of *Spain*.

B

The second Direction sent to him, was by a Letter which his Highness sent him between his departure from the Escorial and coming to the Sea side, to this effect ; That for fear a Monastery should rob him of his Wife, he should stay the delivery of the powers until the doubts were cleared ; and that his Highness would send him in the Premises some further Directions ; Here because my Lord of *Bristol* in his Letter of the First of November, 1623, doth press so vehemently the Prince his Highness concerning this Proxy, and the Prince vowed openly before both Houses, that he had never by Oath or Honour engaged himself not to revoke the Powers more than by the clause *De non revocando Procuratore*, inserted in the Instrument it self, and that he conceived the clause to be matter of Form ; and although Essentially of no binding power, yet usually thrust into every such Instrument ; and that the Civilians do hold, That it is lawfull by the Civil and Canon Law, for any man to revoke his Proxy of Marriage, notwithstanding it hath the clause *De non revocando Procuratore* inserted in it, Therefore as to this point the Duke concluded, That the Earl of *Bristol* in charging this matter so highly on the Prince had much forgot himself.

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#### V. The subsequent Proceedings of His Majesty in both the Treaties, since the return of his Highness.

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**T**he Prince by the Mercy of God came to *Royton*, and made his Relation to the King of all that had passed. His Majesty was glad and told him, that he had acted well the part of a Son ; and now the part of a Father must come unto the Stage, which was to provide with all circumspection That his only Son should not be Married with a Portion of Tears to his only Daughter. And therefore his Majesty commanded by an express dispatch, the stay of the Proxy in the Earl of *Bristols* hands, untill he had some better assurance of the restitution of the *Palatinate*.

F

Then was read his Majesty Letter to the Earl of *Bristol*, dated the Eighth

21. Jacobi.

Eighth of October, 1623, wherein the Earl of Bristol was positively required by the King, That before he deliver the Powers, or move to the Contract, to procure from the King of Spain a direct Restitution of the Palatinate, and the Electoral Dignity, or to assist with Arms within a time limited.

A You would perceive that by this Dispatch, Bristol would lay hold on all hints and emergent occasions to put off the Desponsarios without this required Assurance by Arms first obtained; but the truth is, he did not so.

B For first, the Confirmation came from Rome clogged and mangled; and instead of challenging thereupon, he labors with no small strength of wit to hide and palliate the same.

C Secondly, In the Temporal Articles, the Portion was altered, Six hundred thousand pounds in ready cash, to some Eighty thousand pounds, in money, and a few Jewels, and a Pension of two thousand pounds per annum. Instead of contending with this main alteration, he seems to approve and applaud the payment.

D Thirdly, for the Assurance of Restitution of the Palatinate, the main Foundation both of Match and Friendship, he is so far from providing for it before (which was the Method prescribed him by the King) that he leaves it to be mediated by the Infanta after the Marriage.

E Lastly, instead of putting off the Contract, as any man in the world (upon the Dispatch from Royston) would have done, he come to prefix a precise day for the Desponsarios.

F Now from this rash fixing of the day for the Desponsarios in Spain, which was controled again by an Express, from hence issued an unnecessary discourse put upon the King, and in a manner upon the Infanta, by the Earl of Bristol: From that proceeded a greater affront put upon the Prince, the taking away the title *La Princesa* from the Infanta, and the debarring of our Ambassadors from any further Acces to her person.

G Then was produced an Answer of the King of Spain to the Memorial of the Ambassador, implying a refusal to assist by Arms for the recovery of the Palatinate, in case the Emperor consent not to a Restitution which we have inserted in series of time.

## V I. The Stating of the Question *super totam Materiam*

H His Question the Duke stated on this manner, Whether this being the full effect and product of all the Negotiation, which I have opened unto you, be sufficient *Super totam Materiam*, for his Majesty to rely upon with any safety; as well for the Marriage of his only Son, as for the relief of his only Daughter: Or, that these Treaties set aside, his Majesty were best to trust in his own strength, and to stand upon his own feet? So the Duke ended with this conclusion, That if the bringing us from darknes to light, did deserve any thanks, we owe it, and must wholly ascribe it to the Prince his Highness.

I The Prince was present at this Narration and assisted the Duke of Buckingham therein, and certified many particulars thereof; and it being reported

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reported the same day to the House, his Highness approved thereof there also.

The *Spanish Ambassador* took great offence at the Dukes Relation as reflecting upon his Masters honour, and demanded his Head for satisfaction.

The House of Lords by a general Vote acquitted the Duke from the Accusation of the *Spanish Ambassador*, and justified his Relation, and intended to signify as much to his Majesty by a committee of the whole House, that the Duke may be encouraged to proceed in his faithful service to the State: Unto which, the Commons so directly and fully answered, as if the two Houses had been twins; and what one had said, thought, and done, the other had thought, said, and done the same. And the Commons desired to joyn with the Lords in signifying this to his Majesty, which was done by the ensuing Address.

Both Houses  
of Parliament  
like the  
Duke in his  
Narrative.

**B** “ **V**Our Majesties most Loyal Subjects, the Lords, Knights, Citizens, and Burgesses, Assembled at this time in both Houses of Parliament, being informed of a Complaint made unto your most Excellent Majesty against the Duke of *Buckingham*, That in the Narrative, which by your Majesties command, he made unto both Houses the four and twentieth of February last, he should let fall some passages, grievous to the Honour of the King of *Spain*, and inferred to be of so high a nature, as if the same had been delivered by any Subject of that King against your Majesty, it could not otherwise have been expiated than with the loss of his head that spoke it: Taking this into their mature deliberation, and conceiving that this Accusation doth in an oblique manner fasten an Aspersion upon themselves also; do in all submission and humility make unto your Majesty a Threecold Representation: First Concerning that great King; secondly, Concerning that eminent Lord; thirdly, concerning themselves.

**C** “ First, Concerning that King, they do with that unanimous Vote of both Houses, absolutely acquit, and clear the Lord Duke from letting fall any words at all derogatory to the Honour of that King.

“ For the second, That concerns my Lord, they do in the like humility attest unto your most sacred Majesty, That if my Lord the Duke had omitted any matter represented unto them that day, he had forsooth failed in the performance of that duty and fidelity which he oweth unto your Majesty, and to the business, and unto both Houses.

“ For the last, which concerneth themselves, they make bold in like humility to represent unto your Majesty, That they do much honour my Lord the Duke for that Narration, and do render unto him all possible thanks, for that fidelity and industry expressed therein; and so without your further trouble, Do humbly beseech your most Excellent Majesty, to interpret fair of this their Representation, which they held themselves bound to offer unto your Majesty, for the clearing of so eminent a person, who, as they verily believe, hath in his Negotiation, well deserved of your Majesty and the Common-wealth: So they heartily pray unto God to preserve your most Excellent Majesty.

**D** To which Representation his Majesty returned this Answer.

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" M Y Lords and Gentlemen all, I might have reason to speak nothing in regard of the person whereot you spek; but in regard of your Motion, it were not Civil: For if I be silent, I shall wrong neither my self, nor that Nobleman, which you now speak of, because he is well known to be such an one, as stands in no need of "a Prolocutor, or *Fidejusor*, to undertake for his fidelity, or well carrying of the busines: and indeed to send a man upon so great an *Errand*, whom I was not resolved to trust for the carriage thereof, were a fault in my discretion scarce compatible to the love and trust I bare him. It is an old and true saying, *That he is a happy man that serves a good Master*; and it is no less truth, *That he is a happy Master that enjoys a faithful servant*.

B

" The greatest fault(if it be a fault) or at leastwise the greatest error I hope he shal ever commit against me, was his desiring this Justification from you; as if he should have need of any Justification from others towards me, and that for these Reasons.

C

" First, Because he being my Disciple and Scholar, he may be assured I will trust his own Relation.

" Secondly, Because he made the same Relation unto me, which he did afterwards unto both Houses; so as I was formerly acquainted both with the matter and manner thereof: And if I should not trust him in the carriage, I was altogether unworthy of such a Servant. He hath no Interest of his own in the busines; he had ill thoughts at home for his going thither with my Son, although it was my command, as I told you before. And now he hath as little thanks for his Relation on the other part; yet he that serveth God and a good Master, cannot miscarry for all this.

D

" I have noted in his Negotiation these three markable things, Faith Diligence, and Discretion, whereof my Son hath born record unto me yet I cannot deny, but as he thought to do good service to his Master: he hath given ill example to Ambassadors in time to come, because he went this long journey upon his own charges. This would prove an ill example, if many of my Ambassadors should take it for a President. He ran his head into the yoke with the People here, for undertaking the journey; and when he there spent above Forty or Fifty thousand pounds, never offered his accompt, nor made any demand for the same, or ever will. I hope other Ambassadors will do so no more. I am a good Master, that never doubted of him; for I know him to be so good a Scholar of mine, that I say without vanity, he will not exceed his Masters Dictates; and I trust the report not the worse he made, because it is approved by you all; yet I believe an honest Man, as much as all the World, and the rather, because he was a Disciple of mine. And I am glad he hath so well satisfied you, and thank you heartily for taking it in so good part, as I find you have done.

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*— Duke of Buckingham was Ambassador on his own charge.*

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The Lords having debated those high Matters of State, which the King put into their hands delivered their opinions, That His Majesty cannot with honour and safety, and with the convenience of State and Religion, proceed any further in the Treaty of the Princes *Marriage*, nor relie any longer upon the Treaty for the recovery of the *Palatinate*; in which Vote the Commons concurred with them.

*marriage.*

And in this manner both Houses Addressed themselves to the King:

May

A.D. 1623.

May it please your Most Excellent Majesty,

*Beth Houses of Parliament concur, that the King may not honourably proceed in the Treaty of the Prince's Marriage, and the Palatinate.*

“ **W**e are come unto you, employed from your most faithful Subjects, and Servants, the Lords and Commons assembled in this present Parliament.

“ And First, They and we do give most humble and hearty thanks unto Almighty God, that out of his Gratiouse goodness he hath been pleased now at last to dispel the Clouds and Mists which for so many years have dimmed the eyes of a great part of Christendom, in the busines whereof we do now consult.

“ And Secondly, We acknowledge our selves most bound unto your Majesty, that you have been pleased to require the humble Advice of us your obedient Subjects in a Case so important as this is, which hitherto dependeth between your Majesty and the King of Spain, Which we joynly offer from both Houses, no one person there dissenting, or disagreeing from the rest. And it is upon mature consideration, and weighing many particulars of sundry natures that finding so much want of sincitity in all their proceedings, We, super totam Materiam, present this our humble Address unto your Majesty; That the Treaties both for the Marriage and the Palatinate may not longer be continued with the honour of your Majesty, the safety of your People, the welfare of your Children and Posterity, as also the assurance of your antient Allies and Confederates.

Reasons were also presented, to fortifie this Vote.

“ Whereas the Propositions of the Match were at the first no more than Liberty of Conscience to the Infanta and her Family, which the King might in honour grant; the Spaniards taking advantage of the Prince's being in Spain, importuned a General Connivance of Religion, to the diminution of the King's Soveraignty, and against the usage of other Catholick Princes in the like Treaties, and to the discouragement of all his well-affected Subjects. And this they have laboured with the Pope, being of mischievous consequence. During this Treaty, the Popish Faction hath mightily increased: and whereas heretofore they were wont to be divided, some taking part with the Secular Priests, and some with the Jesuits, they are united; which is a matter of great consequence, considering they do as well depend on Spain for Temporal matters, as on Rome for Spiritual: And they cannot be suppressed, as long as the Treaty holds.

“ They have by this Treaty devoured our Allies, and the Protestant Party in Germany and elsewhere, to the decay of true Religion, and to the jealousie of our Friends beyond the Seas. During this Treaty of Love, they have spoiled his Majesties Son-in-law of his Lands and Hourns; and notwithstanding promises of Restitution, still invaded his Rights, and at length turned pretended Difficulties, into apparent Impossibilities. They have deluded our King, and offered indignity to our Prince, by importuning him again and again to a Conversion, contrary to the Law of Hospitality, and the Priviledge of Princes.

“ The insincerity of their Proceedings is to be seen by that former Overture of Marriage for the late Prince Henry, which after many specious

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"spetious Motions, was followed with a disavowing of their own Ambassador, and a scornful Proposition made to the King, of the Prince's altering his Religion. As also by the Treaty of Bruxelz, where the Lord Weston found nothing but delays and deceit ; and after divers peremptory Commands from Spain for his Majesty's satisfaction, it wrought no other effect then the besieging and taking of Heidelberg ; insomuch that the Ambassador was forced to Protest, and return.

B

"To these things were added, the Translation of the Electorate to the Duke of Bavaria, and the Letter of the King of Spain to Conde Olivares, with the Conde's answer, which imported, that the Match was never intended. And also, after the Prince had taken a hazardous Journey, they devised a shift, by a Juncto of Divines, to let him come home without the Lady.

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These Reasons were presented to the King by the univerfal consent of the House of Commons. Hereupon the King came to Parliament, and made a Speech deliberative, enquiring into the Condition of the War which they advised, and the means to uphold and carry it on.

### My Lords and Gentlemen all,

D

I Have cause first to thank God with all my heart, and all the faculties of my mind, that my Speech which I delivered in Parliament hath taken so good effect amongst you, as that with an unanimous consent you have freely and speedily given me your advice in this great Busines, for which I also thank you all as heartily as I can.

E

I also give my particular thanks to the Gentlemen of the Lower House, for that I heard, when some would have cast jealousies and doubts between me and my People, they presently quelled those motions, which otherwise might indeed have hindred the happy Agreement I hope to find in this Parliament. You give me your advice to break off both the Treaties, as well concerning the Match as the Palatinate : And now give me leave, as an old King, to propound my Doubts, and hereafter to give you my Answer.

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First, it is true, that I, who have been all the days of my life a peaceable King, and have had the honour in my Titles and Impresses to be styled Rex Pacificus, should be loth, without necessity, to embroil myself with War, far from my Nature, and from my Honour, which I have had at home and abroad, in endeavouring to avoid the effusion of Christian blood, of which, too much hath been shed, and so much against my heart; I say, that unless it may be upon such a necessity, that I may call it, as some say merrily of Women, Malum necessarium, I should be loth to enter into it. And I must likewise acquaint you, that I have had no small hope given me of obtaining better Conditions for the Restitution of the Palatinate ; and that even since the sitting down of the Parliament : But be not jealous, nor think me such a King, that would, under pretence of asking your advice, put a scorn upon you, by disdaining and rejecting it : for you remember, that in my first Speech unto you, for proof of my love to my People, I craved your advice in this great and weighty affair ; but in a matter of this weight, I must first consider how this course may agree with my Conscience and Ho-

The King's  
Speech to the  
Parliament,  
perswading  
them to break  
off the two  
Treaties, of  
the Match, and  
of the Palati-  
nate.

Rex Pacificus

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"nour ; and next, according to the Parable uttered by our Saviour, after I have resolved of the necessity and justness of the Cause, to consider how I shall be enabled to raite Forces for this purpose.

" As concerning the *Cause of my Children*, I am now old ; and as *Moses* saw the Land of Promise from an high Mountain, though he had not leave to set his foot on it, so it would be a great comfort to me, that God would but so long prolong my days, as if I might not see the Restitution, yet at least I might be assured that it would be ; that then I might, with old *Simeon*, say, *Nunc dimittis servum tuum, Domine,* &c. Otherwise it would be a great grief unto me, and I should die with a heavy and discomfited heart. I have often said, and particularly in the last Parliament, and I shall ever be of that mind, That as I am not ambitious of any other mens Goods or Lands, so I desire not to enjoy a Furrow of Land in *England*, *Scotland*, or *Ireland*, without restitution of the *Palatinate* : And in this mind I will live and die.

" But let me acquaint you a little with the Difficulties of this Cause. " He is an unhappy man, that shall advise a King to *War* ; and it is an unhappy thing to seek that by *Bloud*, which may be had by *Pace*. Besides, I think your intentions are not to engage me in War, but withall you will consider, how many things are requisite thereunto.

" I omit to speak of my own necessities, (they are too well known:) Sure I am, I have had the least help in Parliament of any King that ever reigned over you this many years. I must let you know, that my disabilities are increased by the charge of my Son's Journey into *Spain*, which I was at for his honour, and the honour of this Nation : By sending of Ambassadors, by maintaining of my Children, and by assisting of the *Palatinate*, I have incurred a great Debt to the King of *Denmark*, which I am not able yet to pay.

" The *Low Countries*, who, in regard of their nearness, are fittest to help for the Recovery of the *Palatinate*, are at so low an ebb, that if I assist them not, they are scarce able to subsist. The Princes of *Germany*, that should do me any good, are all poor, weak, and dishear ned, and do expect assistance from hence. For *Ireland*, I leave it to yo' r, whether there be not a back door to be secured. For the *Navy*, I thank God, it is in a better case than ever it was, yet more must be done ; and before it can be prepared as it ought to be, it will require a new Charge, as well for its own strength, as for the securing of the Coasts.

" My Children, I vow to God, eat no bread but by my means ; I must maintain them, and not see them want. In the mean time, my *Customs* are the best part of my Revenues, and, in effect, the substance of all I have to live on ; all which are farmed out, upon that condition, That if there be War, those Bargains are to be disannulled, which enforce a great defalcation.

" *Subsidies* ask a great time to bring them in : Now, if you assist me that way, I must take them up before-hand upon Credit, which will eat up a great part of them. This being my Case, to enter into War, without sufficient means to support it, were to shew my teeth, and do no more. In the mean time, I heartily thank you for your advice, and will seriously think upon it ; as I pray you to consider of those other parts.

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A     " My Treasurer, to whose Office it appertains, shall more at large inform you of thole things that concern my Estate. Thus freely do I open my heart unto you : and having your hearts, I cannot want your helps; for it is the heart that openeth the purse, not the purse the heart. I will deal frankly with you : shew me the means how I may do what you would have me, and if I take a resolution by your advice to enter into a War, then your selves, by your own Deputies, shall have the disposing of the Money ; I will not meddle with it, but you shall appoint your own Treasurers ; I say not this with a purpose to invite you to open your purses, and then to fligate you so much as not to follow your counsel, nor engage you before I be engaged my self. Give me what you will for my own means ; but I protest, none of the Monies which you shall give for those uses, shall be issued but for those ends, and by men elected by your selves. If, upon your offer, I shall find the means to make the War honourable and safe, and that I resolve to embrace your advice, then I promise you, in the word of a King, that although War and Peace be the peculiar Prerogatives of Kings, yet, as I have advised with you, in the Treaties on which War may ensue, so I will not treat nor accept of a Peace, without first acquainting you with it, and hearing your advice ; and therein go the proper way of Parliament, in conferring and consulting with you : and happily, the conditions of Peace will be the better, when we be prepared for War ; according to the old Proverb, That Weapons bode Peace.

B     C     D     " Your kind carriage gives me much content ; and that comforts me, which my Lord of Canterbury said, *That there was not a contrary voice amongst you all*; like the Seventy Interpreters, who were led by the breath of God. I am so desirous to forget all rents in former Parliaments, that it shall not be in my default, if I am not in love with Parliaments, and call them often, and desire to end my life in that enter-course between me and my People, for the making of good Laws, reforming of such abuses as I cannot be well informed of but in Parliament, and maintaining the good government of the Commonwealth. Therefore go on chearfully, and advise of these points, and my resolution shall then be declared.

E     Hereupon the House of Commons took immediately into consideration the matter of supply : and Sir Edward Sackville, afterwards Earl of Dorset, spake thus to that subject.

Sir Edward  
Sackville's  
Speech.

F     **S**ince Supply unto his Majesty is now in question, of which, I hope, there will be no question, I humbly ask leave of this Honourable Assembly to speak my opinion ; assuring you, that when a Treaty of Grievances shall be on foot, it shall appear I will not sit silent, if I find my self able to say any thing that may lend an hand to unload my Countrey of that heavy burthen it now groans under, by reason of the innumerable number of Monopolies, which, like so many Incubusses, and Succubusses, exhaust the Vital Spirits, and so press down those parts, which ought to enjoy free respiration, as without some speedy remedy, is like to run to extreme hazard. But this I refer to its proper time, and reserve my self for it, and now proceed to the matter in hand.

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“Sure I do think, there are very few that serve in this House (if there be any) who do not confidently believe, that the chief Motive which induced his Majesty at this time to assemble this Parliament, was a mere Necessity to be by us enabled for the Recovery of the Patrimony belonging to the King of Bohemia, now almost traversed from him, and in the possession of a powerful Enemy. If there be any who doubt of this truth, I hope he may easily rest satisfied, when I shall assure him (out of my own knowledge) that many days before this Session, his Majesty commanded a select number of Noblemen and Gentlemen, the most part whereof have been commanders in the Wars, and some yet are, to consult together of what Number of Men an Army ought to be composed, which might be able to recover the Palatinate, and protect it from a second Invasion. These, according to his Majesty’s good pleasure, divers days met together at one appointed place, and there contributed their best endeavours : At least they have finished their task ; advised the King of the number of Soldiers ; they have estimated the present Charges his Majesty must be at for the relieving, arming, cloathing, munition and habiliments of War ; these have likewise calculated the annual expence for the maintenance of them.

“The first I will now inform you ; and for the last point, because of a greater Charge and Consequence, I will allow more time of consideration. Twenty five thousand Foot, and Five thousand Horse, is the portion they all agree on ; and less they could not consider to be sent, considering they were to combat with an Enemy so far from hence, already in possession of a great part of the countrey, well fortified in many places, Master of an Army, composed with Twenty thousand Foot and Four thousand Horse, most Veteran Soldiers, commanded by the best Captains now known in the Christian World, except the Prince of Orange ; after whom, to be esteemed second, is the highest praise : I say, all these respects duly weighed, there could not in their judgments be abated of this proportion : And this Army was framed on that mould, which the Secretaries of State gave them of the Enemies strength.

“The issue of Battels is in the hand of God : The eyes of humane providence cannot see beyond its Horizon ; it cannot ascertain future Contingents, it can only judge of what seems fit to be done, guided by the Rules of Probability and Reason. Events happen often contrary, and never more contrary then in matters of Warfare : Yet, admit a sinister success to happen, a Counsel wisely taken, ought not therefore to lose the due commendations.

“Sirs, I have told you the number ; you now expect to know the present Charge, in which I shall deal most truly with you. Believe me, His Majesty must disburse Thirty thousand pounds for provision of Necessities to furnish such an Army to be sent ; the most part of the Provisions must be made beyond the Seas, for there Arms are best, and best cheap : This Army must (if such an Army) go by the end of April.

“It was God that said, *Let there be light, and it was so* : Kings (though they be styled Gods) enjoy no such power, incommunicable to any Kings, Whatever their ends or desires are, they must allow time to the consummation of them : They be Sovereigns over us, but subject unto time. But what need I add Spurs to a forward Horse ? In my Conscience, there are few Members in this House, that to that *Holy War*

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- " (as I may justly stile it) would not as willingly and as heartily contribute the service of their Persons, as the assistance of their Purses. I know I speak the Language of all your hearts, let us shew our faith by our works : Time was, to have done much better then now we can ; time is, that we may do well ; but if we attend somewhat longer, time will be past, so as all we do then will be so out of season, as it can produce neither any great nor any good effect. But stay, me-thinks I hear some say, Why his Majesty told us, that by way of Treaty he hoped to prevail, as the *Palatinate* should be restored. I confess I heard so too ; and Heaven be pleased to crown his actions with success, as the piousnes of his actions deserves. But I must be excused, if I doubt it, if I fear it, if I despair of it : For, it is no Article of my Faith to believe in Miracles. But suppose this might be brought to pass, what then, shall this gift of ours be lost, or cast away ? No sure, it will be well bestowed, if as a sacrifice of our thankfulness we offer it unto his Majesty, by whose wisdom that is regained ; which certainly by any other course must needs have exposed our Persons to great danger, and our Purses to much more expence. And in this we shall do, as he that receiveth a rich present, and returns a small reward. Perhaps this way may not quadrate with every mans conceit ; if not, then let this which his Majesty demands, to make provision for a Foreign Army, be employed in rearing a Magazin here at home, since so great is the want of Munition, as I wonder we all cry out for want of Money, and never think how to be stored of that, which, of the two, is more necessary ; seeing by the one, we are only enabled to live more plentifully and sumptuously ; and by the other, our lives are preserved free from misery and slavery. In matters of moment, I know it is as laudable to use Deliberation before a Resolution, as after that once taken, Celerity in Execution. Counsel is the Compass by which all great Actions ought to be guided; it is the Stear, by which wise men do shape their courses. I allow it, I commend it, I advise it ; yet to be so slow, so discussive, so long in resolving, all we then can do, will be no more worth, than a Physician after death. Sure such a dulness must needs accuse us of much weakness, if it admit of no worse construction, *(bis dat, qui cito dat)* freenels in giving graceth the gift : *Dimidium facti qui bene caput habet*. We have a long journey to go, and to set forward is half the way. How pressing the occasion is, my Tongue faints to tell, *(vox fancibus hæret)* *The Foxes have holes, and the Birds of the air have nests*, but the Daughter of our King and Kingdom scarce knows where to lay her head, or if she do, not where in safety.
- Lastly, When we had no other object in our Contemplations, but the memory of her virtue, (which remaineth in durable Characters in the heart of every honest man) what a forwardness and ferventnes did we express in these our voluntary contributions, notwithstanding that some base, sordid, and avaritious men, who adored their Mammon, deterred men from their noble and pious work. They were then but Panick terrors, clouds cast before the Sun, which now shines out so bright, as all those mists are vanished. His Majesty calls to us for aid, he invites us to it; and he that was born to command, now vouchsafes to entreat us : now if ever, now is the time to do our Countrey good. Do we desire to sweep out all Grievances of this Land ? Do we desire to extinguish the care of them, that they may never more germinate in this Common-wealth ? Do we desire to destroy those Spiders

A.D. 1623.

" Spiders that spin this Net ; Now if ever, now is the time to effect it.  
 " And to arrive at this blessing, me-thinks I discover a plain and easie  
 " way ; let us please the King first, and I speak it with Faith, he will be  
 " gratiouly pleased to reward us : Prove rich Merchants, and make a  
 " brave Return. Great and generous Spirits are then most apt to make  
 " requests, when first they have obtained their own. In the Region  
 " of Kings, the way to conquer is to submit ; and nothing more o-  
 " bligeth an honest heart to perform what is expected, then to believe  
 " and trust in him.

" This is the way to make his Majesty not only love, but fall in love  
 " with Parliaments : this is the way to call them home from exile, and  
 " again render them frequent amongst us : This is the way to fix this,  
 " until we have purchased present ease, and future happiness to our  
 " Countrey. Let his Majesty have hearts-ease among us, and we shall  
 " receive from his Royal hand that *Dilectamnum*, which must expel these  
 " Arrows that hang in the sides of the Common-wealth.

" Thus have I delivered my opinion, which, if it be not the same with  
 " every one here present, I shall beg that favourable censure which  
 " Charity commands me to afford to all. Let him believe, I have spoken  
 " my Conscience, as I shall of him, though he happen to dissent from  
 " my opinion : For, from what Circumference foever the Lines be  
 " drawn, the Centre is the same, which is our Countrey's good ; at  
 " which, the desire of every man ought to aim, and the duty of every  
 " man ought to desire.

" He that would take another course, and have grievances first pre-  
 " ferred ; if he wished that out of a good to his Countrey, as unwilling  
 " to innovate ancient proceedings ; of this man I will only say, *Optime*  
*sensit Cato, sed nocet interdum Reipublicæ* : but if there be any other,  
 " who, out of a corrupt and imposthume heart, looking to false and fo-  
 " reign ends, would endeavour to put a Partition-wall between the  
 " King and his People, this man I dare pronounce, neither good Subject,  
 " nor good Englishman, nor good Christian ; but the Agent of base and  
 " beggerly Promoters, needy and greedy Projectors, and a friend to those  
 " Monsters, which I hope have no generation ; who not born to any  
 " Fortune, nor have Virtue nor Industry, by which they might hope to  
 " obtain any, yet, like *Harpies*, greedy to devour other mens Possessions,  
 " care not what way they take to become Malters of them, slighting the  
 " latter day of Judgment, so they may rest secured from yielding any  
 " count in this world.

" I have no more to say, but that God would be pleased to incline  
 " our hearts to do that, which may be most for his glory ; next, for  
 " the King's service ; then, for the Countrey's happiness.

To the doubts which the King propounded, the Parliament gave Solution by a Committee of both Houses, in the Declaration following, delivered by the Archbishop of Canterbury, with this Introduction.

May it please your Sacred Majesty.

**W**e are come to you again, from your most faithful Subjects, and loyal Servants, the Lords and Commons assembled in this present Parliament.  
 And first, we humbly let your Majesty know, how much we hold

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21 Jacobi.

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our selves bounden unto Almighty God, that he bath set a King to rule and reign over us, who is pleased in the greatest and weightiest causes, to speake and to be spoken to in Parliament by his good and loving people, which causeth the King to understand them, over whom he bareth rule, and them again to understand him: And is a true bond that tieþ the heart of the Sovereign to the Subject, and of the Subject reciprocally to the Liege Lord and Sovereign. And next we require, hat your Majestie bath shewed your self sensible of the insincerity of the King of Spain, with whom, of late, you have had a double Treaty; and of the indignities offered by them unto your blessed Son, the Prince, and to your Royal Daughter. And that your Ringly heart is filled with an earnest desire to make reparation to her Noble Consort, and her self, of the Palatinate, their Patrimonial possession, which is agreeable to Justice, and to all Laws of God and Man.

B

If the esseing whereof, to certifie w<sup>t</sup> what alacrity, with what expediteness and uniformity of heart, both your Houses of Parliament, in the name of your whole Kingdom, have borne themselves unto your Majestie, with oþer to give their Loyal assistance, we have digested it into writing; lest, by the verbal or vocal delivery of any person, it may miscarry; or the expression of our zeal be weakened or vitiated. Which we humbly pray your Majestie to give leave to be read unto you.

C

**W**E your Majestie's most humble and loyal Subjects, the Lords and Commons in this present Parliament assembled, do first render to your most Sacred Majestie our most dutiful thanks, for that, to our unspeakable comfort, you have bouthfased to express your self so well satisfied with our late Declaration made unto your Majestie, of our general resolution, in pursuite of our humble advice to assist your Majestie in a Parliamentary way with our persons and abilities.

The Parliament offer his Majestie Three Subsidies, and Three Fif-teens, if he break off both Treaties.

D

And whereas your Majestie, in your great wisdom and judgment, foreseing that it will make a deeper impression, both in the Enemies of that Cause, and in your Friends and Allies, if they shall not onely hear of the chearful offerz, but also see the real performance of your Subjects towards so great a work. Your Majestie was pleased to descend to a particular proposition, for the advancing of this great busyness. We therefore, in all humblenes, most ready and willing to give your Majestie, and the whole world, an ample testimony of our sincere and dutiful intentions herein, upon mature advice and deliberation, as well of the weight and importance of this great affair, as of the present estate of this your Kingdom (the Weal and Safety whereof is, in our judgments, apparently threatned, if your Majestie's resolution, for the dissolving of the Treaties now in question, be longer deferred); and that prudition for defence of your Realm, and aid of your Friends and Allies, be not seasonably made) have, with a chearful consent of all the Commons (no one dissenting) and with a full and chearful consent of the Lords, resolved, That upon your Majestie's publick Declaration, for the dissolution and utter discharge of both the said Treaties, of the Marriage, and of the Palatinate, in pursuite of our advice therein, and towards the support of that War which is likely to ensue, and more particularly for those Four points proposed by your Majestie; namely, for the defence of this your Realm, the securing of Ireland;

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An. 1623.

*Three hundred and three  
fifteens to be  
paid in a year.  
and in a year.*

the assistance of your Neighbours the States of the United Provinces, and of her your Majesty's Friends and Allies, and to give setting forth of your Royal Navy, we will grant for the present the greatest Aid which ever was given in Parliament: that is to say, Three hundred and three Subsidies, and Three Fifteens, to be all paid within the compass of one whole year, after your Majesty shall be pleased to make the said Declaration, the Money to be paid into the hands, and expended by the direction of such Committees or Commissioners, as hereafter shall be agreed upon at this present Session of Parliament.

And we most humbly beseech your Majesty to accept of these first-fruits of our hearty Oblation, dedicated to that work which we infinitely desire may prosper and be advanced. And for the future, to rest confidently assured, That we your loyal and loving Subjects will never fail in a Parliamentary way to assist your Majesty in so Royal a design, wherein your own honour, and the honour of your most noble Son, the Prince, the ancient renown of this Nation, the welfare, and very subsistence of your noble and onely Daughter, and her Consort, and their Posterity, the safety of your own Kingdom and People, and the prosperity of your Neighbours and Allies, are so deeply engaged.

Hereunto his Majesty replied.

### My Lords and Gentlemen all,

*His Majesty's  
Reply.*

" **I** Have nothing to say to the Preamble of my Lord of Canterbury, but that he intimated something in it, which I cannot allow of: for whereas he said, I have shewed my self sensible of the insincerity of those, with whom I had lately to deal, and of the indignity offered to my Children: In this you must give me leave to tell you, that I have not expressed my self to be either sensible or insensible of the good or bad dealing; it was Buckingham's Relation to you which touch'd upon it, but it must not bar me, nor make Jupiter speak that which Jupiter speaks not: for when I speak any such thing, I will speak it with that reason, and back it with that power, which becomes a King. As for the matter of the Declaration unto my Demands, which you have couched in that Paper, which I now heard read unto me, I confess, it is without example, that any King hath had such an offer. And, with your favour, I need fear nothing in this World, having so much the hearts of my People. For the large offer of assistance, I hold it to be more then Millions of Subsidies; and indeed, it is an ample reward for the trust and freedom which I have used with you.

" But, my Lords and Gentlemen, you must give me leave on the one side, to consider the possibility of the Action: for in this case I must do, as a man that maketh a Fortification, which must have Out-works and In-works; so I must not deal onely with mine own People, but with my Neighbours advice, to assist me in so great busines for recovery of the Palatinate. And in this case it is not sufficient to have the hearts of my Subjects, without the help of my Neighbours and Allies: on the other side, unless particular means be let down, it will neither be a Bridle to our Enemies, nor a Comfort to my Friends, who shall joyn with me. General words will not carry it, therefore I must resort to particular means, and follow the Counsel of our Saviour Christ in the Gospel, " before

28. Jacobi.

A

" before I begin a War, to see how I can maintain it, God knows it is  
 " a longsome work, yet I desire with *Moses*, as I said before, but to see  
 " the Land of Promise, though I live not till it be recovered. But unless  
 " particular means be discovered, it is little to the point : Therefore since  
 " you give me such fair general promises, I will deal freely with you, I  
 " will tell you in particular, the way I will propose, either by way of  
 " Subsidies or otherwise ; which being done in Parliament, is a Parlia-  
 " mentary way. I would require you to be pleased to bestow upon me  
 " Five Subsidies, and Two Fifteens to every Subsidy, for the War : And  
 " for mine own necessities, my crying debts are so heavy, that no man  
 " can bear them with a greater grief of heart, and sting of conscience,  
 " then I have done and do. And I now growing old, would be glad  
 " to see a means for the satisfying of my debts, before I go out of the  
 " world. And for this end, I desire you would give me one Subsidy and  
 " two Fifteens yearly, untill my debts be paid.

B Here the Prince his Highness taking notice of an Objection made  
 that this might seem contradictory to that which his Highness had told  
 the Committee of both Houses, That the Kings Majesty would ask no-  
 thing for his own particular, till the Wars were provided for :

The Prince said, That the Duke of *Buckingham* in his absence hath  
 moved this doubt unto the King.

C Whereupon the Duke affirmed, that speaking with the King about  
 it, his Majesty was pleased to say, if he would add one Subsidy and two  
 Fifteens to make it up six Subsidies and twelve Fifteens for the War,  
 he was well content to quit that which he had asked for his own ne-  
 cessities.

D The King proceeded. " If this may be done, or that I may see a  
 " fair way to it, I will follow your Advice ; for I would never have  
 " asked your Advice to reject it, or to put a scorn upon you. For the  
 " levying of these Subsides and Fifteens, I would have you consider  
 " how to clear these two difficulties. If you levy them too suddenly, it  
 " may be heavy for the people ; if you stay too long, it will not serve the  
 " turn. But this I leave to your consideration : And since I leave it to  
 " your selves to receive the Money, and expend it by your own Com-  
 " mittees of both Houses, you may be the more secure. And yet I  
 " would not have you to be too hasty in the levying of it, that no ex-  
 " tremity be shewed to my People by imposing too heavy a burthen up-  
 " on them, which God forbid. On the other side, the business will not  
 " suffer too long lingring about it. I told you before, I had in this great  
 " busines, to look to my Conscience and Honor, as well as to the Means :  
 " For the means, I must have it from you ; my Conscience and Honor  
 " is mine own, of which I have thought, and do think daily ; And how  
 " I shall be able to discharge them as a King ought to do, yet not with-  
 " out taking help of your Advice, which I would never have moved,  
 " unless I had meant to follow it.

E Here again the Prince, said he, had spoken with his Father, to know  
 of him whether he were satisfy'd in Honour and Conscience that he  
 might in this case undertake a War ; and that his Majesty answered, He  
 was already satisfyed and resolved therein ; but for the manner of  
 publishing it, he would take your Advice.

F Then the Duke of *Buckingham* said, the reason why his Majesty used-  
 these words, was, That having formerly spoken of his Honour and Con-  
 science, if he should now have left them out, it might have been thought  
 that

Five Subsidies  
two Fifteens to  
each

An. 1624.

that monie only had drawn him to it : But the King said, He was already satisfied, and resolved, yet would have your Advice for the manner of declaring of it.

The King again proceeded. "I told you before, that this was the way to make me in love with Parliaments, and to shew mine inclination to continue them still. My Resolution is to make this a Session for the passing of as many good Laws, as in convenient time may be prepared ; and at Michaelmas, or within a few days after, to have a new Session and another at the Spring. And in the mean time, you may go down and acquaint your selves with the grievances of my people ; and you shall see my care to make good Lawes, and to reform abuses ; that so my Subjects may find the good fruits of Parliaments, and rejoice in them, and I protest, as I have asked your Advice in these Points, which I needed not to have done ; so I will never enter any agreement or Treaty of Composition for peace, which is the end of War ( else it is unjust and unchristian) without your Advice ; and I will help you myself, if we enter into a War, to make it allowable to the World, and Honorable for me.

So the King resolved and declared his Resolution to dissolve the Treaties. Hereupon Bonfires were made in London, and the Bells rung for joy.

Then the Parliament made haste to pass the Act for the grant of three Subsidies, and three Fifteens, to be employed to the use aforesaid ; and by the same Act, Treasurers were appointed to receive and disburse the Moneys, and a Council of War to manage the Design.

The King made the ensuing Declaration to both Houses of Parliament.

" **M**Y Nobles and Gentlemen, the last time I spake to you anent this great busyness, I told you what in my opinion was necessarily required to the beginning of it. The Reasons whereof you have truly set down out of my last Speech, wherein I shewed you what good it would do, and what harm it might free us from ; to express particular Aids at this time as well as general Promises. It is true, I must confess that how far you declare your selves, is sufficient for the present entrance into this business, though a great deal short of what I told you it would require. But as God bares me record, and I think the hearts of all my loving Subjects will testify for me, I never did stick for money but only desired you to clear your selves by particulars, that I may see how I may be able to go through so great a matter, at least to make a good beginning of the War ; for what the end will be, God knows.

" So on the other part, I gave you thanks for your general offer, by which you did engage your selves in your Lives and Estates, which is more than Forty Subsidies, if you had named them, and more worth than a Kingdom ; for the strength of a King, next under the Protection of God, stands in the hearts of his people. And I must needs say, in this particular, it is without example, that ever any Parliament for a beginning, gave to a King so great a Supply to be levied in so short a time : This may well serve for a preparation. And for my part, first, considering your general offer, ( which is ten times more to me than all Subsidies ) and next considering that these particulars coming from you, be as much as at once you are able to pay in so short a time, being within a year, and as much as may be well expected : Therefore with as much love, and as great thanks, as a loving and kind King can give

The King declares his Resolution to dissolve the Treaties.

The King accepts the ayd proffered him.

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"to

22 *Jacobi.*

A "to so loving and dutiful people, I thank you for your offer, and do accept it.

"I told you before, that I would never have craved your advice to reject it, and so to put a scorn upon you: Think me not the Man.

"It is true, I think no wise King can undertake so great a bargain, but he must well be-think himself before-hand: and I account it better that a King advise well before he take a Resolution, than advise rashly, and after repent. Therefore my Lords and Gentlemen, I declare unto you, That as I am willing to follow your Advise in the annulling and breach of the Two Treaties, both of the Match and of the Palatinate: so on the other part, I assure my self, you will make good what you have said, That what you advise me unto, you will assist me with your wisdom, and Council, and Forces, if need require.

B "I pray you have a charitable opinion of me, as you are to have of a King who hath so long ruled and governed over you, (and I may vaunt my self thus far to have done it with justice and Peace.) But as I told you before, all my forbearance hath been for sparing the effusion of Christian Blood, and as the most easie and probable way for recovering the Palatinate for my Children. It is true I have been so long delay'd and payed with generals, that I dare not longer trust unto that which made me erre. The Duke of Buckingham made a particular relation unto you, of all that busines; and I am sure such an account was never before given in Parliament, that thereby you may know what to trust to. I could in this case have resolved my self, but I thought it could not but be both a strength and honor to me to have the advice of my people.

C "My Lords, in the late Parliament I then declared it unto you, that I was resolved, without respect of Friendship, or Match, or whatsoever, to have the Palatinate one way or other: I hope you remember it.

D "God is my Judge and Saviour, I never had any other end, and it is pity I shoul'd live to have any other end; and for my part, except by such means as God may put into my hands, I may recover the Palatinate, I could wish never to have been born. I am old, but mine only Son is young, and I will promise for my self and him both, that no means shall be unused for the recovery of it; and this I dare say, as old as I am, if it might do good to the busines, I would go in mine own person, and think my labour and travel well bestowed, though I should end my daies there. For if I should spare any means possible for the recovery of it; then let me be thought not worthy to Reign over you; and in good faith, I never resolved to live with other mind; and I will say more, there was never any Enemy of my Son-in-law, with whom I talked on of the busines or any that ever I spake with of the same; which did not say, and confess I had reason to have the Palatinate, one way or other: And when they say that it is good reason and themselves allowed it, it is a good spur to him to think on it.

E "My Lords and Gentlemen, thus far assure your selves, I will go chearfully about it, to prepare all things possible for it; and as you have given the means, so will I employ them toward it.

F "In the next degree, I hope you will think of me, but that I leave to your own council and consideration, But I protest to God, a penny of this Money shall not be bestowed but upon this Work, and by your own Committees; and I assure my self, you will think of me for a Double Reason, My Customs are likely to fall, by occasion of the

An. 1623.

"War, and my Charges increase ; but undertaking the War, I must go through with it one way or other, though I sell my Jewels and all.

"In the next Session you will consider how this hath been husbanded ; and according to that, think what is next to be done ; and it will spur you the more to enable me for the rest, whereof I speake to you before.

His Majesty further said, "I will clear you in some things ; for I will not deal with you in any thing, but fairly and clearly as a King : though I have broken the *Necks of thrie Parliaments*, one after another I hope that in this Parliament you shall be resolved of the sincerity of my heart, and of your duties and affections, that this shall be a happy Parliament, and make me greater and happier then any King of England ever was.

"In my last speech I promised you, that if I accepted your offer, I would follow your advice, and would not after hearken to any Treaty of Peace, without first acquainting you, and requiring your Advice ; and I likewise promised nothing should be spent of your Monies, but by your own Committees. But I desire you to understand, That I must have a faithful secret Council of War, that must not be ordred by a multitude, for so many designs may be discovered before hand : and one peny of this Money shall not be bestowed, but in sight of your own Committees. But where I shall send twenty Thousand pounds or Ten thousand pounds ; whether by Sea or Land, East or West, by Diversion, or otherwise by Invasion upon the Bavarian or Emperor, you must leave that to your King.

"Assure your selves, my delay hitherto was upon hope to have gotten it without a War. I held it by a hair, hoping to have gotten it by a Treaty ; but since I see no certainty that way, I hope that God who hath put it into your hearts thus to advise me, and into my heart to follow your Advice, will so bless it, That I shall clear my Reputation from obloquie : and in despight of the Devil, and all his instruments, shew that I never had but an honest heart. And I desire, that God would bless our labours for the happy Restitution of my Children ; and whosoever did the wrong, I deserved better at their hands.

After this, the King purposing to signify to the King of Spain, That his Parliament had advised him to break off the Treaties, and to recover the Palatinate by War : The notice of a sharp Petition against Popish Recusants framed by the House of Commons, and sent up to the Lords for their Concurrence did a little stagger his Resolution, as appeareth by the following Letter written with his own hand to Secretary Conway.

King James  
his Letter to  
Secretary  
Conway touching  
a Petition  
against the Pa-  
pists.

**I**Doubt not but you have heard what a stinging Petition against the Papists, the Lower House have sent to the Higher House this day, that they might joyntly present it unto me. Yet know my firm resolution not to make this a War of Religion ; and seeing I would be loth to be Cony-Catched by my people, I pray stay the Post that is going to Spain, till I meet with my Son, who will be here to morrow morning : Do it upon pretext of some more Letters you are to send by him ; and if he should be gone, hasten after him to stay him upon some such pretext ; and let none living know of this, as you love me

me. And before two in the afternoon to morrow, you shall without fail  
hear from me, Farewel.

2 Caro.

## James R.

- A The Petition which the King called a stinging one, was intended to  
be presented to his Majestie from both Houses in form as followeth,

May it please your most Excellent Majesty,

The Petition.

- B **W**EE your Majesties most humble and loyal Subjects, the Lords  
and Commons in this present Parliament assembled, ha-  
ving to our singular Emprise received your princely Resolution up-  
on our humble petition, to dissolve the two Treaties of the March  
and of the Palatinate; and having on our parts with all alacrity  
and readiness humbly offered our assistance to your Majestie, to main-  
tain the War which may ensue thereupon: yet with all sensible find-  
ing what Sedulous and Traiterous Positions those Intendiaries of  
Rome, and professed Engins of Spain, the Priests and Jesuits infuse  
into your natural born Subjects; what numbers they have seduced,  
and do daily seduce, to make their dependance on the Pope of Rome  
and King of Spain, contrary to their Allegiance to your Majestie their  
Leige Lord; what daily resort of Priests and Jesuits into your King-  
doms; what concourse of Popish Recusants, much more than usual,  
is now in and about the City of London; what boldness, yea, what in-  
solency they have discovered out of the opinion conceived of their so-  
vereign Patronage: what publick resort to Masses, and other Exercises  
of the Popish Religion, in the Houses of foreign Ambassadors there is  
daily to the great grief and offence of your good Subjects; what great  
preparations are made in Spain fit for an Invasion, the bent whereof  
is as probable to be upon some part of your Majesties Dominions as  
upon any other place; what encouragement that may be to your En-  
emies, and the Enemies of your Crown, to have a party, or but the  
opinion of a party within your Kingdoms, who did daily increase and  
combine themselves together for that purpose; what disheartning of  
your good and loving Subjects, when they shall see more cause of fear  
from their false-hearded Countreymen at home, than from their pro-  
fessed Adversaries abroad; what apparent dangers by Gods Providence  
and your Majesties wisdom and goodness they have very lately escaped  
which the longer continuance upon those Treaties, upon such unfit-  
ting Conditions, fomented by your own ill-affected Subjects, would  
surely have drawn upon your Majestie, and your State; Do in all  
humbleness offer unto your sacred Majestie these their humble Petitions  
following.

- C I. That all Jesuits and Seminary Priests, and all others having  
taken orders by any Authority derived from the See of Rome, may  
by your Majesties Proclamation be commanded so hitherto depart  
out of this Realm, and all other your Highness's Dominions; and  
neither they, nor any other to return or come hither again, upon peril  
of the severest penalty of the Lawes now in force against them; and  
that all your Majesties Subjects may hereby also be admonished not  
to

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to receive, entertain, comfort, conceal any of that viperous brood, upon penalties and forfeitures which by the Lawes may be imposed upon them.

A II. That your Majestie would be pleased to give streight and speedy charge to the Justices of Peace in all parts of this Kingdom, that (according to th<sup>e</sup> Lawes in that behalfe made and the Orders taken by your Majesties Privy C<sup>c</sup>uncil heretofore for policy of State) they do take from all Popish Recusants legally convicted, or justly suspect<sup>d</sup>, all such Armes, Gunpowder, and Munition of any kind, as any of them habe either in their own hand<sup>s</sup>, or in the hands of any other for th<sup>m</sup>; and to see the same safely kept and dispased, according to the Law, leaving for the necessary defence of their house and persons so much as by the Law is prescribed.

B III. That your Majestie will please to command all Popish Recusants and all other wh<sup>o</sup> by any Law or Statute ar<sup>e</sup> prohibited to come to the Kings Court, forthwith under pain of your ready displeasure and severe execution of your Lawes against them, to retire themselves their Wives and Families com<sup>r</sup> or about London, to their several dwellings, or places by your Law<sup>s</sup> appointed, and there to remain confined within five miles of their dwelling places, according to the Law<sup>s</sup> of this your Realm: and for that purpose to discharge all Be-past Licences granted unto them for their repair hither; and that they presume not any time hereafter to repair to London, or within ten miles of London, or to the Kings Court, or to the Princes Court, wheresoever.

C IV. That your Majestie would forbide and restrain the great resort and Concourse of your own Subjects, for the hearing of Mass, or other Exercises of the Romish Religion, to the Houses of foreign Ambassadors, or Agents, residing here for the service of their several Princes or States.

D V. That where of late in severall Countie<sup>s</sup> in this Realm some have been trusted in the places of Lord Lieutenants, Deputy Lieutenants, Commissioners of Dyer and Compter, Justices of Peace, and Captains of their Countreys, which are either Popish Recusants or Non-Communicants, by the space of a year now last past, or which do not usually resort to the Church to Divine Service, and can bring no good Certificate thereof; that your Majestie would be pleased to discharge them from these places of trust, by which they habe that power in the Countrey where they live, as is not fit to be put into the hands of persons so affected.

E VI. That your Majestie would be pleased generally to put the Law<sup>s</sup> in due Execution, which are made, and stand in force against Popish Recusants; and that all your Judges, Justices, and Ministers of Justice, to whose care these things are committed, may by your Majesties Proclamation be commanded to do their duty therein.

F VII. That seeing we are thus happily delivered from that danger which these Treaties now dissolved, and that use wh<sup>o</sup>ch your ill-affected Subjects made thereof would certainly habe drawn upon us; and cannot but foresee and fear lest the like may hereafter happen, and unevitably bring such peril to your Majesties Kingdoms: We are most humble Suitors to your Gracious Majestie, to secure the hearts

Oyer &amp; Terminer.

hearts of your good Subjects by the ingagement of your Royal word unto them; That upon no occasion of Marriage or Treaty, or other request in that behalf from any foreign Prince or States whatsoever, you will take off, or slacken the Execution of your Laws against the Popish Recusants.

22 Jacobi

A To which our humble Petitions, proceeding from our most Loyal and dutifull affections toward your Majestie, our care of our Countries good, and our confident perswasion that this will much advance the Glory of Almighty God, the everlasting honor of your Majestie, the safety of your Kingdom, and the encouragement of all your good Subjects: We do most humbly beseech your Majestie to vouchsafe a gracious Answer.

B This Petition after a Conference between both Houses, was reduced to another form, and so presented to the King.

B To which his Majesty returned this Answer.

### My Lords and Gentlemen of both Houses,

C His Majesties  
Answer to the  
Petition.  
I Cannot but commend your zeal in offering this Petition to me, yet on the other side, I cannot but hold my self unfortunate, that I should be thought to need a Spur to do that which my Conscience and Duty bindes me unto. What Religion I am of, my Books do Declare, my profession and behavior doth shew, and I hope in God I shall never live to be thought otherwise; surely I shall never deserve it; and for my part, I wish it may be written in Marble, and remain to Posterity as a mark upon me, when I shall swerve from my Religion; for he that doth dissemble with God, is not to be trusted with men.

D My Lords, for my part I protest before God, that my heart hath bled when I have heard of the increase of Popery; God is my judge, it hath been such a great grief to me, That it hath been as Thorns in my Eyes and Pricks in my Sides; and so far I have been, and shall be from turning another way. And my Lords and Gentlemen, you shall be my Confessors, that one way or other it hath been my desire to hinder the growth of Popery; and I could not be an honest man if I should have done otherwise. And this I may say further, that if I be not a Martyr, I am sure I am a Confessor; and in some sense I may be called a Martyr, as in the Scripture Isaac was persecuted by Ishmael by mocking words: for never King suffered more ill Tongues than I have done, and I am sure for no cause; yet I have been far from persecution; for I have ever thought that no way more encreased any Religion than persecution, according to that saying, *Sanguis Martyrum est semen ecclesiae*

E no way more  
creases any Religion  
than persecution according to say-  
ing Sanguis Martyrum est semen  
ecclesiae  
Now my Lords and Gentlemen, for your Petition, I will not only grant the substance of what you crave, but add somewhat more of my own; for the two Treaties being already annulled (as I have declared them to be) it necessarily follows of its self, that which you desire, and therefore it needs no more; but that I do declare by Proclamation (which I am ready to do) that all Jesuits and Priests do depart by a day; but it cannot be as you desire by our Proclamation to be out of all my Dominions; for a Proclamation here extends but to this Kingdom.

F "This I will do and more, I will command all my Judges when they go

An. 1624.

*Recusants.*

"go their Circuits, to keep the same courses, for putting all the Laws in Execution against *Recusants*, as they were wont to do before these Treaties, for the Laws are still in force, and were never dispensed with by me: God is my Judge, they were never so intended by me; but as I told you in the begining of the Parliament, you must give me leave as a good Horseman, sometimes to use the Reins, and not always to use the Spurs: so now there needs nothing but my Declaration for the disarming of them; that is ready done by the Laws, and shall be done as you desired: and more, I will take order for the shameful disorder of the resorting of my Subjects to all foreign Ambassadors; for this I will advise with my Council how it may be best reformed. It is true that the Houses of Ambassadors are privileged places; and though they cannot take them out of their Houses, yet the Lord Mayor and Mr. Recorder of London, may take some of them as they come from thence, and make them examples; another point I will add concerning the education of their Children, of which I have had a principal care as the Lord of Canterbury, and the Bishop of Winchester, and other Lords of my Council can bear me witness, with whom I have advised about this busines; for in *good faith* it is a shame their Children should be bred here, as if they were at *Rome*. So I do grant not only your desire, but more. I am sorry I was not the first mover of it to you, but had you not done it, I would have done it myself.

"Now for the second part of your Petition, you have here given me the best advice in the World; for it is against the Rule of wisdom that a King should suffer any of his Subjects to transgress the Laws by the intercession of other Princes: and therefore assure your selves that (by the Grace of God) I will be careful that no such conditions be foisted in upon any other Treaty whatsoever; for it is fit my Subjects should stand or fall to their own Laws.

The Spanish Ambassadors accuse Buckingham to the King of matters of high concernment.

This Petition was furthered by the Duke of Buckingham, who still reteined the memory of his ill-usage in Spain, and the Spanish Ambassador being netled thereat, accused him to the King, not without some reflection upon the Prince himself; with some difficulty they procured a secret entercourse with the King, and suggested unto him matters of near and high concernment to his Royal dignity and person. They tel him, that being besieged, and closed up by the Dukes Servants and Vassals, he was no more a Freeman: That he was to be confined to his Countrey House and Pastimes, the Prince having years and parts answerable for publick Government. That the Duke had reconciled himself to all popular men, such as Oxford, Southampton, Essex, Say, and others, and sought to raise an opinion of his own greatness, and to make the King grow less; and that looked towards the *rising Sun*. Hereupon they advise the King to free himself from this Captivity, and imminent danger, and to cut off so ungrateful an affector of Popularity, and greatness, and so he should shew himself to be as he was reputed, the *oldest and wiseſt King in Europe*.

These secrets were quickly blown abroad, and brought to the Dukes Ear. But whatsoever impression the King received from them, the thing whereupon he insisted openly, was the demand of particular proofs. But all their Answers consisted of arguments against declaring the names of the Conspirators; whereupon the Kings Privy-Councillors

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22 Jacobi.

sellors, and other principal Subjects were examined upon Oaths, and Interrogatories most pertinent to the accusation were propounded to them; but this examination discovered nothing. The King turned again to the Ambassadors, with new instances to make a clear discovery; but they still resolved to conceal the Authors.

A And it was alledged by their Partakers, and intimated to the King, that the things were such, as could not be evidenced by legal prooofs, because the persons, by whose testimony they may be confirmed, do, for fear of a most potent Adversary, withdraw themselves, and the Ambassadors never had the freedom personally to speak to his Majesty in the absence of the Duke of Buckingham; an example (say they) unusual with other Kings, and never to be taken well, except when the King is weak in judgment, and wants experience, and a Man wise and circumspect supplies his place. But here (said the Ambassadors) is a *prudent* King, and a *Favourite* young, rash, and heady, whose continual presence did argue guilt and fear; and his Majesties most faithful Servants dare not so much as disclose their minds. Moreover they suggest, that the business of the *Palatinate* was by him taken out of the hands of the King's Council, and referred to the Parliament; that he did arrogate to himself the thanks of all things acceptable, and was stiled the Redeemer of his Countrey; and he would have it believed, that he hath a dominion over the King's and Prince's will. And things standing thus, though many may be found that will speak against the King, yet none will appear to speak against the

B Duke: For which causes these close Informers besought his Majesty to free his Vassals from fear and diffidence, who otherwise will dare discover nothing for his preservation.

C But these dark intelligences had no other issue, than the moving of King James to represent to the King of *Spain* the miscarriages of his Ambassadors, remitting the cause unto him, with a demand of justice and reparation, for that the Information was sufficient to put impressions in him of perpetual jealousies to the Duke. Hereupon when the Ambassadors were returned home, they suffered a few days confinement, but were afterwards rather rewarded and further employed: For in the Court of *Spain*, *Buckingham's* name was odious, and the Prince's honour of little value, and the King's reputation at a low ebb: divers particular Enmities were already begun between the Subjects of both Crowns, the English Merchants were oppressed in the Spanish Ports.

D The Earl of *Bristol* refused to bow before him. The Earl, though his Charge were heavy, and his Cause strongly prejudiced, did not abandon his own defence, but protested against the Duke's *Narration* of the Spanish affairs, and was committed to the Tower, being not admitted into the King's presence, nor to plead his Cause before him. He was to the Duke a stout and dangerous Enemy; insomuch that he was said to violate the Rules of the prudent *Marriner*, who in a storm and foul weather, is accustomed rather to pull down, then to hoise up Sails.

The issue of those Accusations.

The Earl of Bristol protests against the Duke's Narration, is imprisoned in the Tower.

E Saturday the 29 of May, the King being come to the House of Peers, and his Majesty and the Lords in their Robes, Sir Thomas Crew Speaker, being come to the Bar, and the Commons present, he made this Speech.

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That

An. 1624.  
 The Speakers  
 and the King's  
 Speech at the  
 Adjournment  
 of the Parlia-  
 ment.  
 simile. 1

**T**HAT God, to his own great glory, had brought this Session of the Parliament, so happily begun, to so happy an end, that both Houses, and every particular Member thereof, hath given their willing assent, even with *one voice*, unto the *Advice* which his Majesty was pleased so low to descend as to demand of them. As there was not an hammer heard in the building of the *House of God*, so in this great business, there was not a *Negative voice*, nor any jarring amongst them: But their time was wholly spent in the busines of Parliament, in which they had prepared many Bills profitable for the Common-wealth, and shewed the several natures of those Bills: some for the service of God, and restraint of *Recusants*; some to redres the Enormities of the Common-wealth; others of his Majestie's grace and bounty to his people; and some concerning the Prince's Highness touching his own Lands; and others to settle strife in particular Estates: All which do wait for, and humbly desire his Majestie's Royal assent.

He shewed also what great joy they all received for the Dissolution of the two Treaties with *Spain*; and that Commissioners are required to see the Edicts perform'd against *Recusants* and *Jesuits*, the Locusts of *Rome*, wherein will consist his Majesty's chiefest safety. And they do render him humble thanks for their antient *Priviledges*, which they fully enjoyed this Parliament, and their so often access unto his Majesty's presence; and more especially for his Majesty's general, large, liberal, and free Pardon, shewing the benefit thereof, and reciting the particulars. He also presented the Bill of Three entire *Subsidies*, and Three *Fifteens* and *Tenths* granted this Session, and declared the cheerfulness of the grant thereof: and making his earnest Prayers unto Almighty God to direct his Majesty's heart to make his own *sword* his *Sheriff*, to put his Son-in-law in possession of his *Palatinate*, the antient Inheritance of his Royal Grand-children, he ended, humbly craving pardon for himself and his own errors committed this Session.

Unto which his Majesty presently made answer, beginning with the last of the Speaker's Speech touching their freedom, which he promised to continue unto them in as large a manner, as ever they enjoy'd the same. And for the Restitution of his Son-in-law, protested his continual care thereof, and his great grief if he should not see an assured hope before he died; and vowed, that all the *Subsidies*, for which he heartily thanked them, though it had not been so tied and limited, should have been bestowed that way. His Majesty remembred them, that nothing was given to relieve his own wants; which he expecteth at the next Session the beginning of Winter. He acknowledged the obedience and good respect of the *Commons* in all things this Parliament, for which (as he was pleased to say) he thanks them heartily, and without complement; and if they please to continue the same at the next meeting, it will make this the happiest Parliament that ever was.

His Majesty spake also of the *Grievances* presented unto him yesterday by the *Commons* at *Whitehall*, promising them a full answer at their next meeting: That he had looked over them, and was glad they were of no greater importance. His Majesty remembred the House to handle *Grievances* at their next meeting, and to hunt after none, nor to present any but those of *importance*: He promised to go over them all, & to give a free answer, such as should be good for his People, not respecting any Creature

22 Febr.

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" Creatures whatsoever, and that he will advise herein with his Council  
 " and Judges. At this time his Majesty said, he would shew them his grievances; first, that they grieve at the Reformation of Building about London with Brick, which he intended onely for the Beauty and more safety of the City, therefore he will go through with it; and if the Commissioners offend herein, let the party aggrieved complain, and he will redress it; and that the form of proceedings used by the Commons in this Parliament is also a grievance unto his Majesty, for that they did not call the Commissioners, whom they complained of, before them, touching their complaint against Doctor Ayrin; his Majesty said, their Oath of Supremacy forbids them to meddle with Church matters: belides, they complain against him, and never heard him, touching their complaint against the Apothecaries, his Majesty protest ed his care therein to be onely for his peoples health; it is dangerous for every one to meddle with Apothecaries ware, and the Grocers have a Trade beside.

B

" His fourth Grievance is, that Seditious Books are so frequently printed, which he will be careful to prevent hereafter.

C

" Fifthly, for calling so many many Patents, appointing the Patentees to wait so many days with their Council, and never to hear them; wherefore his Majesty warned them to call for no more hereafter, unless they first knew them to be grievous to the People. And so his Majesty concluded with thanks for the Commons good carriage towards him and his Lords this Session.

D

Then the Lord Keeper spake to the particulars of the Speaker's Speech, and by his Majesty's command approved them all, alluding the general consent of both Houles to the *Septuagint* directed by the Holy Ghost; and touching the Speakers desire for the King's assent to the Bills past both Houses, he said, the Royal Assent is proper to the Law-giver; and shewed, that it is best for the people; that this is in his Majesty's power, and not in themselves; for the King knoweth what is best to be granted unto his people, as may appear by the Petition that Bathsheba made to King Solomon, to give unto Adonijah Abishag to Wife; which had Solomon granted, he had given Adonijah means to usurp the Kingdom, contrary to Bathsheba's meaning; and such is his Majesty's intent this day, for such Bills which he will not pass. That his Majesty hath given his consent to all the Bills of Grace, and to the Bill of the continuance of some Statutes, and repeal of others, so necessary, and for the good of the people. That his Majesty accepteth in good part their thanks for his general Pardon, which he hath so freely granted unto his Subjects; but his especial command is, That those that are in Office, do look strictly to the execution of Laws against Recusants: The Susidies his Majesty graciously accepteth, and therefore imitaztes not the story in *Macrobius*, of one who had all his debts paid, and instead of thanks, answered, *mihi nihil*: Though this be given to the *Palatinate*, his Majesty interpreteth it as given to himself, and rendreth to you all hearty thanks for the same.

E

The Lord Keeper having ended his Speech, the Clerk of the Crown stood up, and read the Title of the Bills passed both Houses; and the Clerk of the Parliament read his Majesty's Answer to each Bill, which being done, his Majesty remembred the breaking up of three Parliaments together, and the happy conclusion of this Session, and puts the Commons again in mind, that at their next meeting they do so carry themselves, that this Parliament may be as happily continued to the end.

An. 1624.

At the Parliament holden at Westminster, by Prorogation, the Nineteenth day of February, Anno Regis Jacobi, Angliae, Franciae, & Hiberniae vicesimo primo, & Scotiae quinquagesimo septimo, these Acts were passed.

1. A N Act for making perpetual an Act made, Anno 39 Eliz. Entituled, *An Act for the Ereding of Hospitals and Workhouses for the Poor.*
2. An Act for the quiet of the Subjects against Concealments.
3. An Act concerning Monopolies, and Dispensations with Penal Laws.
4. An Act for ease of the Subjects concerning Informations upon Penal Statutes.
5. An Act, that Sheriffs, their Heirs, &c. having a *Quetus est*, shall be discharged of their Accompts; with the Judges opinion therein.
6. An Act concerning Women convict of small Felonies.
7. An Act to repress Drunkennels, and to restrain the haunting of Inns, &c.
8. An Act to punish abuses in procuring *Supersedeas* of the Peace out of the Courts at Westminster, and to prevent the abuses in procuring Writs of *Certiorari* out of the said Courts, &c.
9. An Act for the Free Trade of Welsh Clothes, &c. in England and Wales.
10. An Act to repeal a branch of the Statute, An. 34 Hen. 8. Entituled, *An Act for certain Ordinances in the King's Dominions, and Principality of Wales.*
11. An Act for confirmation of a Judgment given for his Majesty in a *Scire facias* against Henry Heron, and for Declaration of the Letters Patents therein mentioned to be void.
12. An Act to make perpetual the Act for ease in pleading against troublesome Suits, prosecuted against Justices of the Peace, Mayors, &c.
13. An Act for the further reformation of Jeofails.
14. An Act to admit the Subject to plead the general Issue in *Informations of Intrusion* brought on the King's behalf, and to retein his possession till Trial.
15. An Act to enable Judges and Justices to give restitution of Possession in certain Cases.
16. An Act for limitation of Actions, and for avoiding of Suits in Law.
17. An Act against Usury.
18. An Act for the continuance of a former Statute made 4 Jac. Entituled, *An Act for the true making of Wollen Clothes.*
19. An Act for the further description of a Bankrupt, and relief of Creditors against such as shall become Bankrupts, and for inflicting of Corporal punishment upon them in some Cases.
20. An Act to prevent Swearing and Cursing.
21. An Act concerning Hostlers and Inholders.

Act 42.

22. An Act for explaining a Statute, An. 3, 4, & 5 Ed. 6. concerning the Traders of Butter and Cheese. 22 Jacobi.
23. An Act to avoid Delays, by removing of Actions out of Inferior Courts.
24. An Act for relief of Creditors against such as die in Execution.
25. An Act for relief of Patentees, Tenants, and Farmers of Crown-Lands, and Dutchy-Lands.
- A 26. An Act against such as shall levy any Fine, suffer any Recovery, knowledge any Statute, Recognizance, Bail or Judgment, in the name of any person not privy thereunto.
27. An Act to prevent the murthering of Bastard-children.
28. An Act to continue divers Statutes, and repeal others.
29. An Act to enable Prince *Charles* to make Leases of Land, parcel of the Dutchy of *Cornwall*, or annexed to the same.
- B 30. An Act to assure *York-house* and other Lands to the King, and to assue the Mannors of *Brighton*, *Santon*, and other Lands, to the Archbishop of *York*, &c.
31. An Act for the good Government of the Makers of Knives in *Hallamshire* in the County of *York*.
32. An Act to make the *Thames* Navigable from *Ercot* to *Oxon*.
33. An Act for the Subsidies of the Clergy.
34. An Act for Three Subsidies, Three Fifteenths, and Tents, granted by the Temporality, with the Judges opinions.
- C 35. An Act for the King's General Pardon.

*Private Acts.*

- D 36. An Act for the Confirmation of *Waddam-Colledge* in *Oxon*, and the Possessions thereof.
37. An Act for the Naturalizing of *Philip Burlemachi*.
38. An Act for the Naturalizing of *Giles Vandeput*.
39. An Act to enable *William Earl of Hereford*, and *Sir Francis Seymour Knight*, to sell Lands for the payment of Debts; and establishing other Lands.
40. An Act for the Naturalizing of *Sir Robert Anstrother*, *Sir George Abercromby*, Knights; and *John Cragg Doctor of Physick*.
41. An Act to confirm the Copy-holders Estates of *Stepney* and *Hackney*, according to a Decree in *Chancery*, between the Lord of the Manner, and the said Copy-holders.
- E 42. An Act to confirm an Assurance of Lands sold by *Thomas Beaumont*, Knight, and his Wife, to *Sir Thomas Cheek*, Knight.
43. An Act to erect a Free-School and Alms-house, and House of Correction in *Lincolnshire*.
44. An Act to enable *Martin Calthrop* to sell Lands, for preferment of younger Children, and payment of Debts.
45. An Act for settling the Manner of *Goodneston*, and other Lands of *Sir Edward Ingram*, Knight.
- F 46. An Act to enable Dame *Alice Dudley*, Wife of *Sir Robert Dudley*, Knight, to assure the Manner of *Killingworth* and other Lands, to Prince *Charles*.
47. An Act to confirm an Exchange of Lands between Prince *Charles*, and *Sir Lewis Watson*, Knight and Baronet.
48. An Act for the settling of the Lands of *Anthony Vicount Montague*, for payment of his Debts, and raising of Portions.

An. 1625. | 49. An *Act* to enable Sir Richard Lumley Knight, to sell Lands for the payment of his Debts, and preferment of Children.

50. An *Act* to confirm a Decree in Chancery, made by the consent of the Lord Painswick in Com. Glouc. and his Customary Tenants there.

*naturalization  
or, naturalizing* | 51. An *Act* for the Naturalization of Sir Francis Steward Knight, Walter Steward, James Mixwel, William Car, and James Livingston, Esquires.

52. An *Act* for the Naturalization of John Young, Doctor of Divinity.

53. An *Act* for the Naturalizing of Jane Murry Widow, and William Murry Esquire.

54. An *Act* to make good a Conveyance of Little Munden, made from Sir Peter Vanlore Knight, and Sir Charles Cæsar Knight, unto Edmond Woodhall Esquire, and his Heirs.

55. An *Act* to enable Vincent Low to sell Lands, for payment of his Debts.

56. An *Act* to enable Toby Palyvicine to sell Lands, for the payment of Debts, and preferment of Children.

57. An *Act* for Naturalizing of Sir Robert Carr, Knight.

58. An *Act* to confirm the Mannor of New Langport and Seavans, and other Lands, late being the Inheritance of Sir Henry James Knight, in a *Præmunire* convicted, unto Martin Lumley, Lord Mayor of London, Alice Woodriff Widow, and Edward Cropley, &c.

59. An *Act* for Naturalizing of Sir Stephen Leisure.

60. An *Act* for Naturalizing of James Marquis of Hamilton.

61. An *Act* for Naturalizing of Sir William Anstrother Knight, Doctor Balcanqual, and Patrick Abercromby.

62. An *Act* to confirm the sale of Lands made by Sir Edward Heron Knight, unto Bevel Mouldsworth Esquire, and to enable the said Sir Edward to sell other Lands for payment of Debts, and to sell other Lands upon Robert and Edward Heron.

63. An *Act* for the Naturalizing of Abigal Little, and William Little her Son.

64. An *Act* for the establishing of Lands upon John Mohun Esq; son of Sir Rowland Mohun, Knight and Baronet, according to the agreements made between them.

65. An *Act* to enable Edward Alcock to sell the Mannor of Rampton, and other Lands.

66. An *Act* to explain a Statute made Anno 13 Eliz. for assuring of Eighty two pounds ten shillings per ann. to the Bishop of Coventry and Lichfield for ever, out of Mannors and Lands thereby assured to Edmund Fisher and his Heirs.

67. An *Act* for the establishing of three Lectures in Divinity, according to the Will of Thomas Wettenhal Esq;

68. An *Act* for the repairing the River running to Colchester, and paving the Town there.

69. An *Act* to enable Francis Clerk Knight, to sell Lands, for the Payment of Debts, and raising of Portions.

70. An *Act* for altering of Gavel-kind-Lands, being late the Lands of Thomas Potter Esq; Sir George Rivers Knight, and Sir John Rivers Baronet, and to settle the Inheritance of them upon Sir John Rivers and his Heirs.

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71. An Act to make the Lands of *Thomas Earl of Middlesex* subject to the payment of his Debts.

72. An Act for the sale of the Mannor of *Abbots-Hall*, late the Possessions of Sir *James Pointz* deceased, that the Moneys thereby raised may be distributed amongst his Creditors, according to his last Will.

73. An Act for the Naturalizing of *Elizabeth Vere* and *Mary Vere*, the Daughters of Sir *Horatio Vere*, Knight.

A

This Summer four Regiments of Foot were raised for the service of the United Provinces, to be employed against the Emperor, under the Command of four Noble Colonels, the Earls of *Oxford*, *Essex*, and *Southampton*, and the Lord *Willoughby*.

4 Regiments of foot

B

The Town of *Frankendale* having been sequestred into the hands of the Archduchess *Isabella Clara Eugenia*, Infanta of *Spain*, for the term of Eighteen months, and that time now growing to an end, being to expire about the middle of *October* next; the King commanded those Lords and others, that were Commissioners in that Treaty between his Majesty and the Archduchess, to assemble and deliberate what was fit to be done, concerning the remanding, receiving, and ordering of that Town. The Commissioners unanimously were of opinion, That it was fit for his Majesty, both in Honor and Interest, to remand it, and according to the Capitulation, to place therein a Garrison of Fifteen hundred Foot, and Two hundred Horse, with sufficient Victuals for six months, and a sufficient quantity of all Munition. The Infanta having accorded in the Treaty to give them a passage through the King of *Spain's Low Countreys*; the King approved, and resolved to follow the advice, and gave order to the Council of War to consider and discuss the manner of demanding the Town, and the way and means of raising the Men, and conducting them thither, and of maintaining and supplying the Garrison with Munition and all things necessary.

On the day that *Frankendale* was to be re-delivered, *Spinola* with his Forces marcheth out of the Town; and finding none of the King of Great Britain's Forces ready to enter it, instantly re-enters, and takes possession, pulls down the King of *England's Arms*, and sets up the King of *Spain's*. Yet did the Noble *Spaniard* leave standing the Monument of two Brothers fighting, and stout Enemies of theirs; in opposition of whose valor the *Spaniard* had gained much honor, but overcame them at last. The Monument is standing in the Dutch Church in *Frankendale*, upon a fair Tomb, with this Inscription,

E In beatissimam memoriam Dom. Generosi Gulielmi Fairfax Anglo-Britanni, Honoratissimi Domini Thomæ Fairfax de Denton in Com. Ebor. Equitis Aurati Filii, Cohortis Anglicani Ducis insignis; Qui Annis natus circiter XXVI. post animi plurima editat estimonia invictissimi, una cum Johanne fratre suo juniorē, in obsidione Francovalenti, hic factā eruptione arreptus, ille ictu bombardae percussus occubueret.  
Anno M. DC. XXII.

King James  
demands the  
Town of  
*Frankendale*  
deposited in  
the Arch-  
Duchess hands

*Spinola* Mar-  
ches out of  
the Town,  
and imme-  
diately re-en-  
ters.

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This

## Historical Collections.

24.

This Monument was erected by the Town of Frankendale, in memory of those two Brothers, who were Uncles to Thomas Lord Fairfax.

King James  
ever desirous  
of a Match  
with France.

In France, the Marriage-Treaty was not so fair, smooth, and plausible, in the progress, as in the entrance. King James admiring the Alliance of mighty Kings, though of a contrary Religion, as also fearing the disgrace of another breach, desired the Match unmeasurably; which the French well perceived, and abated of their forwardness, and enlarg'd their Demands in favour of Papists (as the Spaniards had done before them) and strained the King to the Concession of such Immunities, as he had promised to his Parliament he would never grant, upon the mediation of Foreign Princes.

A

The Cardinal Richelieu being in the Infancy of his favour, and appointed to the managing of the Treaty, assured the Catholicks of Great Britain, that the most Christian King rememb'ring, that he was born and raised up no less for the propagation of the Catholick Cause, than for the enlarging of his own Dominions, was resolved to obtain honorable Terms for Religion, or never to conclude the Match: And for his own part, such was his compassion towards them, that if he might work their deliverance or better their condition, not only with Counsel, Interest, and Authority, but with his Life and Blood, he would gladly do it.

B

However, this Treaty held fewer Months, than the years that were spent in that of Spain. Indeed, the Motion from England had a braver expression, seeing a Wife was here considered as the only object of the Treaty; whereas that of Spain was accompanied with a further expectation; to wit, the rendring of the Palatinate to King James his Children. In August the Match was concluded, and in November the Articles were Sworn unto by King James, Prince Charles, and the French King. The Articles concerning Religion were not much short of those for the Spanish Match. The conclusion of the Treaty was seconded in France with many outward expressions of joy, as Bonfires, and the like: Whereupon the Privy Council sent to the Lord Mayor of London, requiring the like to be done here.

C

This year Count Mansfield arrived in England, whose reception was splendid and honourable: he was entertained in the Prince his House in St. James's, and served in great State by some of the King's Officers. A Pres' went through the Kingdom for the raising of Twelve thousand Foot, with Two Troops of Horse, to go under his Command, for the recovery of the Palatinate. These Forces were intended to pass through France into Germany, the French having promised, as well an addition of strength, as a free passage.

D

In the mean while there were those, that secretly sollicited the King to return into the way of Spain, and raised suspicions of Mansfield's Enterprise, saying, he was the Palgrave's Scout and Spy; and if the Kuritans desired a Kingdom, they did not wish it to the most Illustrious Prince Charles, his Majesty's best and true Heir, but to the Palatinate. That it was the Duke's Plot, and the Parliament's fury, to begin a War with Spain; but it will be the glory of his Majesty's blessed Reign, that after many most happy years, that Motto of his [Blessed be the Peace-makers] might even to the last be verified of him in the Letter, and be propounded for imitation of the most Illustrious Prince, and that the experience of his happy Government should carry the Prince in a connatural motion to the same Counsels of Peace.

E

F

And

The Match  
with France  
concluded.

Count Mans-  
field arrives  
in England;  
12000 Foot  
and 1000 Horse  
raised to go  
under his  
Command.

A And at the same time, the more circumspect party in the Spanish Court, held it fit to continue the state of things in a possibility of an Accommodation with the King of Great Britain; and Gondomar was coming again for England to procure a Peace; notwithstanding the Duke of Bavaria used all diligence, to combine himself with that Crown, offering to depend wholly thereon, so that he may be thereby protected in his new acquired Dignity. But in these motions the Elector of Saxony with many Reasons, advised the Emperor to apply himself to the settling of a Peace in Germany, and with much instance besought him not to destroy that ancient House of the Palatinate.

B Count Mansfield was at this time in England, and the Forces raised in the several parts of the Kingdom for the recovery of the Palatinate, were put under his Command; and marching to their Rendezvous at Dover, committed great Spoils and Rapines in their passage through the Counties. At the Rendezvous the Colonels and Captains were assigned to receive their several Regiments and Companies from the Conductors employed by those several Counties where the Men were raised.

### A List of some of the Regiments of Foot designed for that Expedition.

#### I.

E Earl of Lincoln, Colonel.  
Lieu. Col. Allen.  
Serjeant-Major Bonithon.  
Sir Edward Fleetwood.  
Capt. Wirley.  
Capt. Reynolds.  
Capt. Babington.  
Sir Matthew Carey.  
Capt. Barlee.  
Capt. Cromwell,

#### II.

Viscount Doncaster, Colonel.  
Sir James Ramsey, Lieut. Colonel.  
Alexander Hamilton, Serjeant-Maj.  
Capt. Archibald Duglass.  
Capt. Zouch.  
Capt. John Duglas.  
Capt. Pell.  
Capt. William Duglas.  
Capt. George Killwood.  
Capt. Andrew Heatley.

#### III.

Lord Cromwel, Colonel.  
Lieut. Col. Dutton.  
Serjeant-Major Gibson.  
Capt. Basset.

#### Capt. Lane.

Capt. Vincent Wright.  
Capt. Jenner.  
Capt. Vaughan.  
Capt. Owseley.  
Capt. Crane.

#### IV.

Sir Charles Rich, Colonel.  
Lieut. Col. Hopton.  
Serjeant-Major Killigrew.  
Sir Warham St. Leiger.  
Sir W. Waller.  
Capt. Burton.  
Capt. Francis Hammond.  
Capt. Winter.  
Capt. Goring.  
Capt. Fowler.

#### V.

Sir Andrew Grey, Colonel.  
Lieut. Col. Boswel.  
Serjeant-Major Coburne.  
Capt. David Murray.  
Capt. Murray.  
Capt. Forbois.  
Capt. Carew.  
Capt. Ramsey.  
Capt. Williams.  
Capt. Beaton.

X

VI. Sir.

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## VI.

Sir John Burrough, Colonel.  
 Lieutenant-Colonel Bret.  
 Serjeant-Major Willoughby.  
 Captain William Lake.

Capt. Roberts.  
 Capt. Webb.  
 Capt. Skipwith.  
 Capt. Thomas Woodhouse.  
 Capt. George.  
 Capt. Mostian.

The Duke of Buckingham, Lord Admiral, was required to employ those Ships that were now in the Narrow Seas, or in the Havens ready bound for any Voyage, for the transporting this Army from Dover.

Count Mansfield received his Commission from King James, bore date the Seventh of November, One thousand six hundred twenty and four and was to this effect, That his Majesty at the request of the Prince Elector Palatine, and the Kings Sister his Wife, doth impower Count Mansfield to raise an Army for the recovering of the Estate and Dignity of the Prince Elector, and appoints that the Forces so raised should be under the Government of the said Count Mansfield for the end aforesaid. And his Majesty further Declares, by way of Negative, that he doth not intend that the said Count shall commit any spoil upon the Countreys or Dominions of any his Majesties Friends and Allies ; and more particularly, He doth require the said Count not to make any invasion, or do any act of War against the Countrey or Dominion, which of right appertain and are, in truth, the just and lawful possession of the King of Spain, or the Lady Infanta Isabella; and in case any such Hostility shall be acted contrary to his Majesties intention, all such Commissions which shall be granted to that purpose by the said Count Mansfield, his Majesty doth declare to be void ; and that all payments shall cease : That on the contrary, if obedience be given hereunto, the King wisheth the Count all good success for the recovery of the Palatinate, and reestablishment of the Peace in Germany against the Duke of Bavaria, and those that are the troublers of the Peace.

And for the performance hereof, the King caused Count Mansfield to take an Oath, That he would conform according to the Contents of the said Commission and Declaration of his Majesty ; which Oath was almost in Terminis of what is before expressed.

This Army, consisting of Twelve Regiments, was intended to Land in France; but being ready for Transport, the French notwithstanding their promise, and the Treaty of Marriage demurred ( yet not plainly denied ) their passage. Nevertheless, the whole Army was shipped, and put over to Calice, and after a tedious stay, in hope yet to land and pass through the Countrey, they were forced to set sail for Zealand. Neither were they suffered to land there, coming so unexpectedly upon the States, and in a hard Season for Provision of Victuals.

Thus they were long pent up in the Ships, and suffered the want of all Necessaries, by which means a Pestilence came among them, and raged extreamly ; so that they were thrown into the Sea by multitudes; insomuch, that scarce a third part of the Men were landed, the which also after mouldred away, and the Design came to nothing.

The Papist formerly daunted by the breach of the Spanish Match, was now again revived by the Marriage-Treaty with France. And at this time upon the Death of William, Titular Bishop of Calcedon, most of the English Secular Priests did petition the Pope, that another Bishop might be sent over into England, there to Ordain Priests, give Confirmation and

Infanta.

A Great army  
miserably came  
to nothing.  
Scarce the  
third part of  
Count Mans-  
fields Army  
came safe to  
Land.

Richard Smith  
made Bishop  
of Calcedon,  
and sent into  
England with  
Episcopal Ju-  
risdiction.

and exercise Episcopal Jurisdiction. Among others, Mathew Killison and Richard Smith were presented,

23 Jacob.

A And though the Regulars were opposite to the Seculars in this matter, yet those of the Order of St. Benedict joyned with the Seculars, and Rudolph Barlo, President at the English Benedictines of Doray, wrote a Letter in their behalf at the Congregation at Rome, named of the Propagation of the Faith. Dated the Twelfth of December, One thousand six hundred twenty and four.

B In which Letter was this passage, that were there above Sixty Benedictine Monks in England; and that it is not to be doubted (said he) [For that it is already seen, the good success under the first Bishop.] That another Bishop being Constituted, there would be more joyful Fruits within two years in the English Mission, than hitherto hath been for Sixty years now elapsed.

C But not long after, the Episcopal party prevailing, Pope Urban the Eighth created Richard Smith Bishop of Calcedon, and sent him into England with Episcopal Authority over the Priests within the English Dominions.

D King James after he had been troubled with a Tertian Fever four weeks, finding himself near the end of his days, called unto him Charles Prince of Wales, his only Son, to whom he recommended the Protection of the Church of England, advised him to love his Wife, but not her Religion; and exhorted him to take special care of his Grand-children, the Children of the Elector Palatine by his Daughter; and to employ the power he left him, to re-establish him in the Estate and Dignities of their Father; And lastly, he recommended to him his Officers who had faithfully served him, and on the Seven and twentieth of March gave up the Ghost,

E And shortly after Bishop Laud delivered to the hands of the Duke of Buckingham, brief Annotations or Memorables of the Life and Death of King James, (viz.)

I. **H**E was a King almost from his Birth.

II. His great Clemency, that he should Reign so long, and so moderately, that knew nothing else but to Reign.

III. The difficult times in Scotland, during his Minority, as much perplexed with Church and State Factions.

IV. His admirable patience in those younger times, and his wisdom to go by those many and great difficulties, till God opened him the ways to his just Inheritance of this Crown.

V. His peaceable Entry into this Kingdom, contrary to the fears at home, and the hopes abroad, not without Gods great Blessing both on him and us.

E VI. His ability as Strong in Grace as Nature, to forgive some Occurrences.

VII. The continuance of full two and twenty years Reign all in Peace, without War from Foreign Enemy, or Rebellion at home.

F VIII. The infinite advantage which People of all sorts might have brought to themselves, and enriching of the State, if they would have used such a Government with answerable care, and not made the worse use of peace.

IX. Gods great mercy over him in many deliverances from private Conspirators, and above the rest, that which would have blown up his Posterity and the State by Gun-powder,

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X. That in all this time of the Reign of England, he took away the life of no one Nobleman, but restored many.

XI. That the sweetness of his Nature was scarce to be parall'd by any other.

XII. It is little less than a miracle that so much sweetness should be found in so great a heart, as besides other things, sickness and death it self deserved to be in him.

XIII. Clemency, Mercy, Justice, and holding the State in Peace, have ever been accounted the great Virtues of Kings, and they were all eminent in him.

XIV. He was not only a preserver of Peace at home, but the great Peacemaker abroad; to settle Christendom against the Common Enemy the Turk, which might have been a glorious work, if others had been as true to him as he was to the common good.

XV. He was in private to his Servants, the best Master that ever was, and the most free.

XVI. He was the justest Man that could sit between parties, and as patient to hear.

XVII. He was bountiful to the highest pitch of a King.

XVIII. He was the greatest Patron to the Church which hath been in many ages.

XIX. The most learned Prince that this Kingdom hath ever known for matters of Religion.

XX. His integrity and soundness of Religion, to write and speak, believe and do, live and die one and the same, and all Orthodox.

XXI. His tender love to the King his Son, our most Gracious Sovereign that now is, and his constant Reverence in performance of all duties to his Father, the greatest Blessing and greatest Example of this, and many Ages.

XXII. The education of His Majesty whom we now enjoy (and I hope and pray we may long, and in happiness, enjoy) to be an able King as Christendom hath any, the very first day of his Reign; the benefit wherof is ours and the honour his.

XXIII. His sickness at the beginning more grievous than it seemed, a sharp melancholy humour set on fire, though ushered in by an ordinary Tertian Ague.

XXIV. He was from the beginning of his sickness scarce out of an opinion that he should die; and therefore did not suffer the great Affairs of Christendom to move him more than was fit, for he thought of his end.

XXV. His devout receiving of the Blessed Sacrament.

XXVI. His Regal Censure of the moderate Reformation of the Church of England, and particularly, for the care of retaining of Absolution, the comfort of distressed Souls.

XXVII. His continual calling for Prayers, with an assured confidence in Christ.

XXVIII. His death as full of patience as could be found in so strong a death.

XXIX. His Rest, no question is in Abrahams Bosome, and his Crown changed into a Crown of Glory.

Another writes thus of that King in the Book, Entituled, the Reign of King Charles.

23 Jacob.

A great Scholar  
esp. in DivinityBr. by far not  
accounted of.

vid p. 127. 5. pp.

**I**N the stile of the Court he went for Great Britains Solomon; nor is any Excursion beyond the Precincts of verity to say, That neither *Britum* nor any other Kingdom whatsoever,could ever, since *Solomons* days, glory in a King (for recondite Learning and abstruse knowledge) so near a Match to *Silomon*,as he. And though he was an universal Scholar, yet did he make other Sciences (their most proper imployment) but Drudges and Servitudes to Divinity,wherein he became so tranſcendently eminent,as he notoriously foiled the greatest Clerks of the *Roman* See. Nor did his Theological abilities more advantage the caufe of Religion abroad than at home,they keeping the new-fangled Clergy aloof, and at distance,as not daring to infuse into so ſolid a Judgment their upstart and erroneous Fancies,no, nor disquiet the Churches peace with Heterodox opinions. A stout Adverſary he was to the *Arminians* and *Semipelagians*,whom he called as *Prosper* before him, *The Enemies of Gods*

**B**Grace. And as slender a Friend to the *Presbytery*, of whose Tyrannical and Antimonarchical Principles, he had, from his Cradle, ſmart experience. He was an excellent Speaker, the Scheme of his Oratory being more ſtately than pedantick, and the expreſſions argued him both a King and a Scholar. In his Apparel and Civil Garb, he ſeemed naturally to affect a Majestick careleſneſs, which was ſo Hecklick, ſo Habitual in him, as even in Religious Exercises, where the exterm Demeanor is a grand part of that ſacred Homage, he was ſomewhat too incurious and irreverent. He was indulgent a little to his Palate, and had a ſmack of the Epicure; in Pecuniary Dispensations to his Favorites, he was excessive liberal; yea though the exigence of his own wants pleaded Retenſion.

**C**Studioſus he was of Peace ſomewhat overmuch for a King, which many imputed to puſillanimity; and for certain the thought of War was very terrible unto him; whereof there needs no further demonstration, than his management of the Cause of the *Palatinate*: For had he had the leaſt ſcintillation of Animosity or Majestick Indignation, would he have ſo long endured his Son-in-law exterminated from his Patrimony, while the *Austrian* Faſtion (to his great dishonour) cajoled and kept him in deluſory Chat with ſpecious fallacies? Would he in those feveral Negotiations of *Carlisle*, *Bristol*, *Belfast*, and *Weston*, have trifled away ſo vaſt ſums, the Moity whereof, had they been diſpoſed in Military Levies, would have Modelled an Army able (when *Heidelberg*, *Manh-im*, and *Frankendale* defended themſelves) to have totally diſſipated all the Forces of the Usurpers, to have maſtered the Imperious Eagle, enforcing her to forego her Quarry, and re-estate the *Palsgrave*? Would he ſo shamefully have Courted the Alliance of *Spain*, to the very great regret of his Subjects, whom his predeceſſors had ſo often baffled, and whom *England* ever found a worse Friend than an Enemy? What ſtronger evidence, can be given in of a wonderful deſeſt of Courage? As this lipothymie, this faint-heartedneſs, lost him the reputaſion and respects of his people ſo his heavy pressures upon them, and undue Levies by Privy Seals and the like alienated their affections, eſpecially conſidering how thoſe

**D**Moneys were miſ-employed, indeed rather thrown away; partly in the two dishonourable Treaties of *Spain* & *Germany*, and the Conſequential Entertainments; and partly in largesseſ upon his Minion *Buckingham*. Between this diſaffection and contempt in his People, there was gene-  
**E**rated a general diſpoſition to turbulent and boisterous Darlings and Ex-  
poſtuſions, even againſt his Darling prerogative: And though thoſe  
**F**dimal

An. 1625. diinal calamities which befel his Son, were doubtless amplified by a supererogation of Causes; yet was their first and main existency derivative from those seminalities. Let Court-Pens extol the calmnes of his *Hellenian Reign* with all Artifice of Rhetorick, yet can they never deny but that admired Serenity had its set in a Cloud; and that he left to his Successor, both an empty Purse and a Crown of Thorns.

*Sir Francis Bacon, when King James was living, gave this Character of him.*

*Sir Francis Bacon's character of King James.*

WHerefore representing Your Majesty many times unto my mind and beholding you not with the eye of Presumption to discover that which the Scripture tells me, is inscrutable; but with the observant eye of Duty and admiration, leaving aside the other parts of your Virtue and Fortune, I have been touched, yea, and possessed with an extream wonder at these your Virtues and Faculties which the Philosophers call *Intellectuals*, [The largeness of your capacity, the faithfulness of your Memory, the swiftnes of your Apprehension, the penetration of your Judgment, and the faculty and order of your Eloquence.] And I have then thought, that of all the persons living that I have known, your Majesty were the best Instance to make a man of *Pluto's* opinion, *That all Knowledge is but Remembrance, and that the Mind of Man by nature knoweth all things, and hath but her own Native and original Notions* (which by the strangeness and darkness of the Tabernacles of the Body, are sequestered) again revived and restored. Such a Light of Nature I have observed in your Majesty, and such a readiness to take flame and blaze from the least occasion presented; or the least spark of anothers Knowledge delivered. And as the Scripture saith of the wisest King, *That his heart was as the Sand of the Sea*, which though it be one of the largest Bodies, yet it consisteth of the smallest and finest Portions: So hath God given your Majesty a composition of understanding admirable, being able to compose and comprehend the greatest Matters, and nevertheless to touch and apprehend the least; wherein it should seem an impossibility in Nature for the same Instrument to make it self fit for great and small Works. And for your gift of Speech, I call to mind what *Cornelius Tacitus* saith of *Augustus Caesar*, *Augusto profluens & qua Principem deceret Eloquentia fuit*: for if we mark it well, Speech that is uttered with labour and difficulty; or Speech that favoureth of the affection of Arts and Precepts; or Speech that is framed after the imitation of some pattern of Eloquence, though never so excellent; all this hath somewhat servile and holding of the Subject. But your Majesties manner of Speech is indeed Prince-like, flowing as from a Fountain, and yet streameth and brancheth it self into Natures order, full of Facility and Felicity, *Imitating none, and imitable by any, &c.* And there seemeth to be no little contention between the excellency of your Majesties gift of Nature and universality and perfection of your Learning; for I am well assured of this, that what I shall say is no amplification at all, but a positive and measured truth, which is, *That there hath not since Christ's time, any King or Temporal Monarch, which hath been so learned in all Literature and Erudition, Divine and Humane*: For let a man seriously and diligently revolve and peruse the Succession of the Emperors of *Rome*, of which *Cesar* the Dictator,

23 Jacob.

A before Christ, and *Marcus Antonius*, were the best learned; and so descended to the Emperors of Grecia, or of the West, and then to the Lines of France, Spain, England, Scotland, and the rest, and he shall find this Judgment truly made: For it seemeth much in a King, if by the compendious extractions of other mens Wits and Learning, he can take hold of any superficial Ornaments, and shews of Learning; or if he countenance or prefer Learning or Learned Men. But to drink indeed of the true Fountain of Learning, nay, to have such a Fountain of Learning in himself, in a King, and in a King born, is almost a miracle; and the more, because there is met in your Majesty a rare conjunction as well of Divine and Sacred Literature, as Prophane and Humane. So as your Majesty stands invested of that Triplicity which in great veneration was ascribed to the antient *Hermes*, the Power and Fortune of a King, the Knowledge and Illumination of a Priest, and the Learning and Universality of a Philosopher. This propriety, inherent and individual Attribute in your Majesty, deserveth to be expressed not only in the Fame and admiration of the present time, nor in the History or Tradition of the ages succeeding, but also in some solid Work, fixed Memorial, and Immortal Monument, bearing a Character or Signature, both of the Power of a King, and the Difference and Perfection of such a King.

B *Memoria Justi cum laudibus, & impiorum nomen putrescit.*

C He that hath lately writ the History of Great Britain, thus expresseth himself concerning King James.

D **H**E was a King in understanding, and was content to have his Subjects ignorant in many things; as in curing the Kings Evil, which he knew a device to ingrandize the virtue of Kings when Miracles were in fashion; but he let the World believe it, though he smiled at it in his own Reason, finding the strength of imagination a more powerful agent in the Cure, than the Plasters his Surgeons prescribed for the Sore. It was a hard question, whether his Wisdom and Knowledge exceeded his Choler and Fear; certainly the last couple drew him with most violence, because they were not acquisitious, but natural; if he had not had that allay, his high towering and mastering Reason had been of a rare and sublimed excellency; but these earthly dregs kept it down, making his Passions extend him as far as Prophaneness (that I may not say Blasphemy) and Policy Superintendent of all his Actions, which will not last long, (like the violence of that humour) for it often makes those that know well, to do ill, and not to be able to prevent it.

*curing y<sup>e</sup> King's  
Evil by mean of imagination.*

E F He had pure notions in Conception, but could bring few of them into action, though they tended to his own preservation; for this was one of his Apothegms which he made no timely use of, [Let that Prince that would beware of Conspiracies, be rather jealous of such whom his extraordinary favors have advanced, than of those whom his displeasure hath discontented. These want means to execute their pleasures, but they have means at pleasure to execute their desires.] Ambition to rule is more vehement than Malice to revenge: Though the last part of this Aporism he was thought to practice too soon, where there were no causes for prevention, and neglect too late when time was full ripe to produce the effect.

*An Apothege  
m of y<sup>e</sup> 2d apy.*

Some paralleld him to *Tiberius* for Dissimulation, yet Peace was maintained

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maintained by him, as in the time of *Augustus*. And Peace begot Plenty and Plenty begot ease and wantonness, and ease and wantonness begot Poetry, and Poetry swelled to that bulk in this time, that it begot strange monstrous Satyrs against the Kings own person, that haunted both Court and Countrey; which expressed, would be too bitter to leave a sweet perfume behind him. And though bitter ingredients are good to imbalm and preserve dead Bodies, yet these were such as might endanger to kill a living Name, if Malice be not brought in with an Antidote. And the Tongues at those times more fluent than my Pen, made every little miscarriage (being not able to discover their true operations, like small seeds hid in earthy darkness) grow up and spread into such exuberant Branches, that evil report did often pearch upon them. So dangerous it is for Princes by a remiss comportment, to give growth to the least Error; for it often proves as fruitful as malice can make it.

*The Bishop of Lincoln then Lord Keeper of the Great Seal of England, in his Sermon at King James's Funeral, speaking of Solomon and King James, (his Text being 1 Kings, 11. 41, 42, 43,) hath these Expressions.*

Bishop's Sermon at King James's Funeral  
Text. 1 Kings 11. 41.  
42, 43.

**I**Dare presume to say, you never read in your lives, of two Kings more fully paralell'd amongst themselves, and better distinguished from all other Kings besides themselves. King *Solomon* is said to be *Unigenitus coram Matre sua*, the only Son of his Mother, *Prov. 4. 3.* So was King *James*. *Solomon* was of a Complexion White and Ruddy, *Cant. 5. 10.* So was King *James*. *Solomon* was an Infant King, *puer parvulus*, a little Child, *1 Chron. 22. 5.* So was King *James*, a King at the age of Thirteen Months. *Solomon* began his Reign in the life of his Predecessor, *1 Kings 1. 32.* So by the force and compulsion of that State, did our late Sovereign King *James*. *Solomon* was twice crowned and anointed a King, *1 Chron. 29. 22.* So was King *James*. *Solomons* Minority was rough, through the quarrels of the former Sovereign; so was that of King *James*. *Solomon* was Learned above all the Princes of the *East*, *1 King 4. 20.* So was King *James* above all the Princes in the Univerſal World. *Solomon* was a Writer in Prose and Verse. *1 King 4. 32.* So in a very pure and exquisite manner was our sweet Sovereign King *James*. *Solomon* was the greatest Patron we ever read of to Church and Churchmen; and yet no greater (*let the House of Aaron now confess*) then King *James*. *Solomon* was honoured with Ambassadors from all the Kings of the Earth, *1 King 4. ult.* And so you know was King *James*. *Solomon* was a main improver of his home-Commodities, as you may see in his Trading with *Hiram*. *1 Kings 5. 9.* And God knows it was the daily study of King *James*. *Solomon* was a great maintainer of Shipping and Navigation, *1 Kings 10. 14.* A most proper Attribute to King *James*. *Solomon* beautified very much his capital City with Buildings and Water-works. *1 Kings 9. 15.* So did King *James*. Every man lived in Peace under his Vine and his Fig-tree, in the days of *Solomon*, *1 Kings 4. 25.* And so they did in the blessed days of King *James*. And yet towards his end, King *Solomon* had secret Enemies *Razan, Hadad, and Jeroboam*, and prepared for a War upon his going to his Grave, as you may see in the verse before my Text. So had, and so did King *James*. Lastly, before any Hostile act we read of in the History, King *Solomon* died in Peace, when he had lived about

Sixty

Sixty years, as *Lyon* and *Tostatus* are of opinion; and so you know did King *James*.

23 *Jacobi.*

A And as for his words and eloquence, you know it well enough. it was rare and excellent in the highest degree, *Solomon* speaking of his own faculty in this kind; divides it into two several heads; a ready *Invention*, and an easy *Discharge* and *Expression* of the same. *God hath granted me to speak as I would, and to conceive as is meet, for the things spoken of, Wisd. 7. 15.* And this was eminent in our late sovereign His *Invention* was as quick as his first Thoughts, and his words as ready as his *Invention*. *God had given him to conceive;* the Greek word in that place is ενυπνιζειν that is, to make an *Enthymem* or short *Syllogism*; and that was his manner. He would first wind up the whole substance of his discourse, into one solid and massie *Conception*; and then spread it and dilate it to what compass he pleased; *Profluenti & que Principem decrevit eloquentia* (as *Tacitus* said of *Augustus*) in a flowing and a Princely kind of Elocution. Those Speeches of his in the Parliament, Star-Chamber, Council-Table, and other publick Audiences of the State, (of which as of *Tullies* Orations, *Ea semper optima, que maxima*, the longest still was held the best) do prove him to be the most powerful Speaker that ever swayed the Scepter of this Kingdom. In his Stile you may observe the *Ecclesiastes*, in his Figures the *Canticles*, in his Sentences the *Proverbs*, and in his whole Discourse *Reliquum verborum Solomonis*, all the rest that was admirable in the Eloquence of *Solomon*.

B C D How powerfully did he charge the Prince with the care of Religion and Justice, the two Pillars (as he termed them) of his future Throne? How did he recommend unto his love, the Nobility, the Clergy, and the Community in the general? How did he thrust, as it were, into his inward bosom, his Bishops, his Judges, his near Servants, and that\* Disciple of his whom he so loved in particular? and concluded with that Heavenly Advice to his Son, concerning that great act of his future Marriage, *To Marry like himself, and Marry where he would:* But if he did Marry the Daughter of that King, he should Marry her Person, but he should not Marry her Religion.

\* The Duke of  
Buckingham.

E Having in our *Collections* met with the Transcript of a Letter from King *James* to Pope *Clement*, dated *Anno 1599*. We have thought fit (though it be not placed in order of time) to conclude his Reign with it and with the Instructions given to Mr. *Drummond*, who was sent with the same to *Rome*.

Y

*Jacobus*

F

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Jacobus Rex, Clementi  
Papæ.

Batissime Pater, cum variis ad nos perlatum fuisset rumori-  
bus, quam diligenter nostra fortis  
æmuli sepius egissent, ut authori-  
tatis vestræ acies in nos distrin-  
geretur, quaque constantia id pro  
vestra prudentia haec tenus fuerit re-  
cusatum: Committere noluimus  
quoniam accepti memores beneficii gra-  
tias ageremus, opportunam naæti  
occasione, cum lator præsentium,  
natione nostras, vester ascriptius,  
in fines editionis vestræ reverteretur;  
quam pro sua indole vestris or-  
natum beneficiis vestræ Sanctitati  
Commendamus, ut eum in iis quæ  
nostro nomine habet imparienda,  
audire placide non dedignetur: Et  
quia adversus malevolorum calum-  
nias, qui nostras in Catholicos in-  
jurias commemorando, nobis invi-  
diam, & ipsis gratiam conciliant,  
nullum tutius remedium agnoscim-  
us, quoniam, ut è nostratis aliqui,  
veritatis studiosi, quantumvis a Re-  
ligione quam nos a prima haus-  
imus Infantia, abhorrentes, ho-  
nestam in Curia Romana demoran-  
di occasionem semper haberent, ex  
quibus vestræ Sanctitas certò possit,  
in quo statu res nostra sint, edisce-  
re; hoc nomine Episcopum Vazio-  
nensem vobis commendamus, qui ut  
fortis suæ qualecunque incremen-  
tum vestræ Sanctitati duntaxat re-  
fert acceptum, ita Cardinalatus ho-  
norem prioribus beneficiis, nostra  
præsertim gratia, adjici obnixe ro-  
gamus. Sic Inimicorum cessabunt  
Calumniæ, præsentibus qui rerum  
gestarum veritatem possint adstru-  
ere. Nec actionum nostrarum ul-  
lam æquos rerum æstimatoræ cupi-  
mus latere, qui in ea Religionis,  
quam profitemur, puritate enutriti,  
sic semper statimus nihil melius  
tutiusque quam citra fucum in iis

King James's Letter to  
Pope Clement.

Most Holy Father, having un-  
derstood by several Reports  
how diligent the Rivals of  
our Condition have been, that the  
Sword of your Authority should be un-  
sheathed against us, and with what  
constancy your Prudence hath hitherto  
refused it; we could do no less than re-  
turn thanks for such a good turn recei-  
ved; especially upon so fair an occasion,  
when the Bearer of these, a Scotchman  
by Nation, but a Roman by Adoption,  
was returning unto your Dominions;  
we recommend him to your Holiness  
(to whom for his good parts you have  
already been beneficial) that you  
would attentively hear him in those  
things which he shall deliver in our  
Name: And because we know there is  
no better remedie against the Calum-  
nies of ill willers (who, by commemorating  
our injuries done to Catholics,  
procure envy to us, and thank to them-  
selves) than that some of our Countrype-  
men zealous of the Truth, though dif-  
ferring from the Religion which we  
have sucked from our Infancy, should  
have an Honourable occasion of mak-  
ing their abode in the Court of Rome,  
from whom your Holiness may be cer-  
tainly informed of the state of our af-  
fairs. In this regard we recommend unto  
you the Bishop of Vazion, who as he  
doth impute whatsoever increase of  
his condition to your Holiness alone; so  
we are earnest Suitors, that for our  
sake especially, the Honor of a Cardi-  
nals Cap may be added to his former  
advantages. By this means the Calum-  
nies of our Enemies will cease, when  
such are present with you, who may be  
able to assert the truth of our doings.  
We do not desire any of our actions  
should be concealed from just Arbitra-  
tors; for though we have been bred up  
in the truth of that Religion which  
we now profess, yet we have alwayes  
determined

A determined that there is nothing better and safer, than piously and without contention, to endeavor the promoting of those things which really belong to the glory of God's name; and laying aside the Goods of Envy, and applying the warmth and fomentation of Charity, diligently to consider what belongeth not to the empty name of Religion, but to the Holy Symbol of true Piety. But because we have discoursed more at large of these things with the bearer hereof, a man not unlearned, and indifferently well conversant in our Affairs, we have thought best to be no more tedious by a long Letter.

Your Holiness  
most dutiful Son

J. R.

C From Holy-Rood  
24 Sept. 1599.

D **T**HIS Letter was conveyed by Edward Drummond the Lawyer whom the King sent to the Pope, the Duke of Tuscany, the Duke of Savoy, and other Princes and Cardinals.

**F**irst you shall most respectively Salute in our Name the Pope, and those other Princes and Cardinals; and having delivered our Letters of Credence, shall signify,

E That we exceedingly desire to reserve with them the measure of Love, and good Will, which is fitting to remove, not only all suspicion, but anything that may be the cause of suspicion.

F That although we persist in the Religion which we sucked in from our Infancy, yet we are not so void of Charity, but to think well of all Christians if so be they continue in their duty, first towards God, and then towards the Magistrate, whose Subjects they are.

G That we never exercised any cruelty against the Catholicks for Religious sake.

And

promovendis, quæ Divini Numinis gloriam serio spectant, pie contendere, & remotis invidiæ stimulis: non tam quid Religionis inane nomen, quam vere pietatis Sacrosancta tessera requirat, charitatis semper adhibito fomento, diligenter considerare. Sed quia de his copiosius cum latore præsentium, viro non ineruditio, & in rebus nostris mediocriter versato, differuimus, longioris Epistolæ tædio censuimus abstinendum.

23 Jacobi.

Beatitudinis vestræ obsequientissimus Filius.

J. R.

E Santa Cruce,  
24 Sept. 1599.

S Umma mandatorum Edwardi Drummond Jurisconsulti, quem ad Pontificem Maximum, Ducem Etruria, Ducem Sabaudiæ, cæterosque Principes & Cardinales ablegamus.

Salutabis imprimis nostro nomine quam potes officiosissime, Pontificem Maximum, cæterosque Principes & Cardinales; datisque nostris literis fiduciariis significabis,

Capere nos vehementer eum, quem decet, amoris & benevolentiae modum cum iis conservare, omnemque removere non suspicionem modo, sed & suspicionis levissimam quamcunque occasionem.

Quod quamvis in ea persistimus Religione, quam a teneris hausimus annis, non tamen ita esse Charitatis expertes, quin de Christianis omnibus bene sentiamus; modo in officio primum erga Deum Optimum Maximum, deinde erga Magistratus, quorum subsunt imperio, permanserint.

Nullam nos unquam sevitiam contra quoscunque Catholicos Religionis ergo exercuisse.

Y 2

Instructions  
to Mr. Drum-  
mond.

Et

An. 1625.



Et quia plurimum interest nostra  
ut pari diligentia qua malevoli  
mentiuntur nos, per amicos & sub-  
ditos veritatem possimus adstruere;  
idcirco inniteris in hoc totis viribus  
ut Pontifex Maximus tam rogatu  
nostro quam precibus Illustrissimo-  
rum Principum, quos per literas no-  
stras ad hoc rogavimus, ad hoc indu-  
ci possit ut Episcopus Vazionensis in  
Cardinalium Collegium adfisca-  
tur; in quo si profeceris, ut de eo redi-  
ti fuerimus certiores, ulterius pro-  
grediemur. Cavebis ne in hoc ne-  
gotio ad Pontificem Maximum, aut  
Illustrissimos Cardinales, ulterius pro-  
grediari, nisi prius subsit certa  
spes optati eventus.

And because it doth very much con-  
cern us, that we may be able to assert  
the truth by our Friends and Subjects,  
with the same diligence that slan-  
ders lye; therefore you shall endeavor  
to the utmost to persuade the Pope, as  
well at our entreaty, as for the desire  
of these most Illustrious Princes, whom  
in our Letters we have solicited in our  
behalf, to make the Bishop of Vazion  
Cardinal, wherein if you be successful,  
as soon as we shall be certified thereof,  
we will proceed further. You must be  
cautelous not to proceed any further  
in this business, either with the Pope  
or the most Illustrious Cardinals, un-  
less there be a certain hope of our wish-  
ed event.

A

B

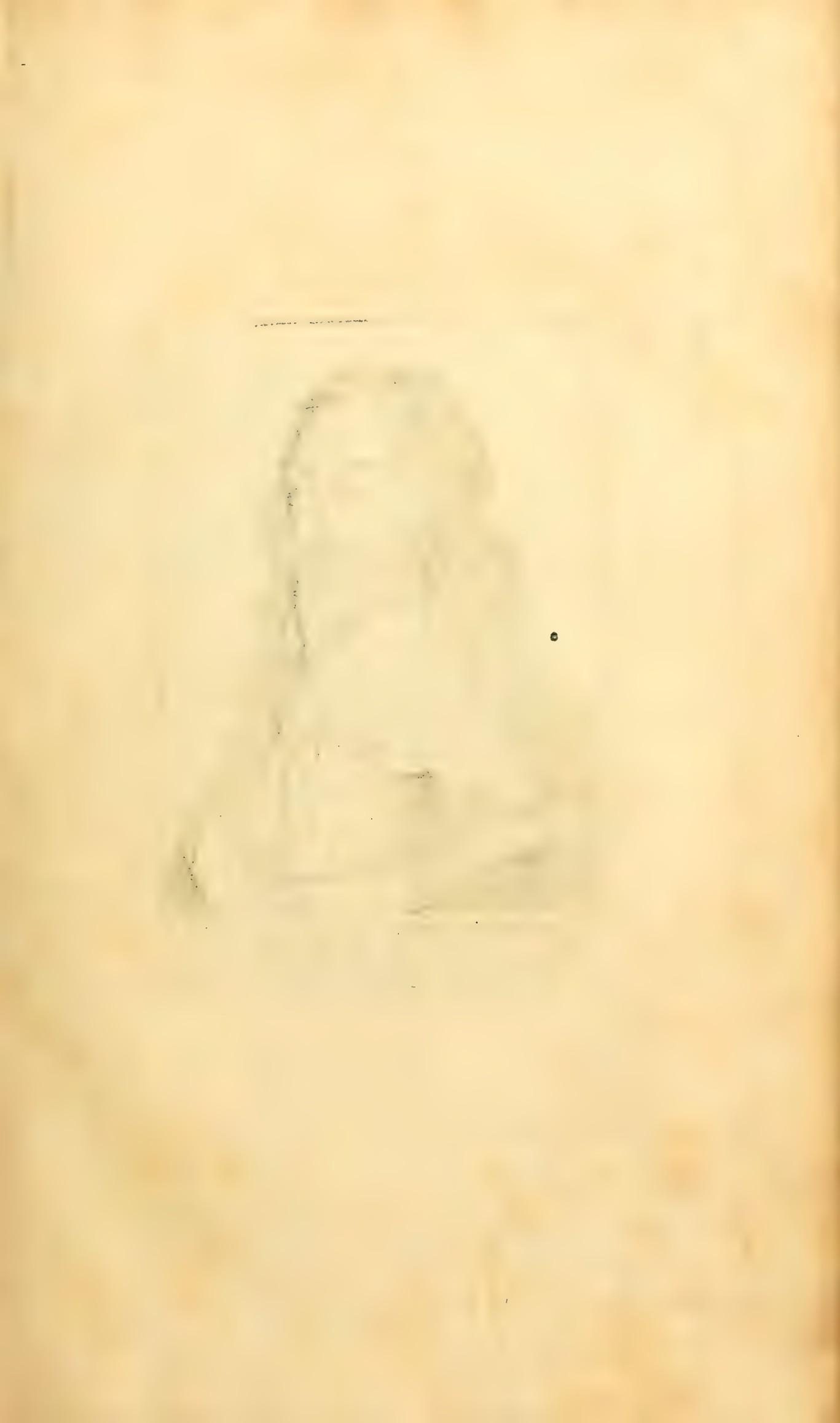
C

D

Historical.

E

F





Charles the first by the grace of God  
King of England Scotland France  
and Ireland defender of ys Faith &c:

I Caroli.

# Historical Collections.

## Primo CAROLI.



N the same day when King James departed this life at *Theobalds*, the Lord President of the Council, and the Lord Marshal of *England*, were immediately sent by the Body of the Council to Prince Charles, who was then retired to his Chamber, to give him notice of his Father's decease, and that they were all there ready to present themselves unto him, if his p'leasure were to admit t' me. But he being in sadness, wished them to forbear their coming till the next morning. In the mean time

The Privy-Councillors present themselves to King Charles.

he Privy-Councillors assembled themselves, drew up the form of a proclamation to proclaim King Charles, which was forthwith published at the Court-Gate at *Theobalds*: Which being done, the King signified his pleasure, that the Lord Keeper, the Lord Treasurer, the Lord President, the Lord Chamberlain, the Treasurer of the House, and the Comptroller, should attend him: They all came, and rendred up their Offices and Places o him, which his Majesty presently restored to them again. The Privy-Councillors gave notice to the Lord Mayor of *London*, that he and all the Aldermen should that day appear in their Robes at *Ludgate*, whither the Lords and others would repair, to proclaim King Charles: Accordingly, the Lords went from *Theobalds* to the Palace of *Whitehal*, where the Nobility then about *London* were gathered together.

King Charles proclaimed at *Theobalds*.

At *Whitehal*-Gate the King was proclaimed by sound of Trumpet, all the Nobility, Privy-Councillors, and Gentry being on Horse-back, went thence, and proclaimed the King at *Charing-crofe*, *Denmark-house*, *Temple-bar*, at the great Conduit in *Fleet-street*, and thence they rode up to *Ludgate*, where the Lord Mayor and Aldermen were on Horse-back, expecting within the Gates, and the Lords and others entred, and proclaimed him there; and then they rode all to *Cheapside-Cross*, where they proclaimed the King again: And the Lords returning thence, left order with the Lord Mayor to go on with the Proclamation in other parts of the City.

At *Whitehal*.

In *London*.

The same day King Charles removed from *Theobalds*, and came to S. James's in the evening, and the Corps of the deceased King remained at *Theobalds*, attended by all the Servants in Ordinary.

The day following, the Privy-Councillors to the late King, with all the Lords Spiritual and Temporal then about *London*, were in the Council Chamber at *Whitehal* by eight of the clock in the morning, ready to go to gether, and present themselves to his Majesty: But there came in the mean time a commandment from the King, by the Lord Conway

The old Privy-Council new sworn.

An. 1625.

and Sir *Albertus Morton*, principal Secretaries of State to the deceased King; that the Lord Keeper of the Great Seal should be sworn of his Majesty's Privy-Council, and that he should give the Oath to the Lord President, by whom all the rest of the late King's Council should be sworn Counsellors to his present Majesty: The Lord Keeper of the Great Seal, the Lord President, the Lord Archbishop of Canterbury, the Lord Treasurer of England, the Lord Privy Seal, the Duke of Bucking-ham, Lord Admiral of England, the Earl of Pembroke, Lord Chamberlain, the Earl of Montgomery, the Earl of Kellie, the Earl of Arundel, Earl Marshal of England, the Lord Viscount Grandison, the Lord Conway, the Lord Buck, Mr. Treasurer, Mr. Comptroller, the Master of the Wards, Mr. Secretary Morton, Mr. Chancellor of the Exchequer, and the Master of the Rolls, were this day sworn accordingly; the Lord Keeper did take an Oath apart, as Lord Keeper of the Great Seal; the Lord Treasurer, as Lord Treasurer of England; the Lord President, as Lord President of the King's Privy-Council, and the Lord Conway, and Sir *Albertus Morton*, as principal Secretaries of State: The Lords which were not of his Majesty's Privy-Council, repaired by themselves to St. James's, and presented themselves to the King, and kissed his hand.

The Council's advice to the King.

The Council sat immediately, and advised of the most important and pressing matters to be offered to the King for his present service, and resolved upon these particulars.

That a Commission be granted to authorize the Great Seal, Privy-Seal, and Signet, till new ones be prepared; also Commissions for authorizing of Judges, Justices of Peace, Sheriffs, and other such Officers for Government; that there be a general Proclamation for continuation of Proceedings, preservation of Peace, and administration of Justice; that Letters be prepared for the Ambassadors with Foreign Princes, to authorize that service to the King; that special Messengers be sent unto Foreign Princes; that the like Proclamations to those of England, be sent into Scotland; that Commissions be renewed into Ireland, to the Deputy and Officers there; that the Mint for Coining of Money go on, and all things be managed by the Officers as then they stood, till the King's pleasure be further known; that a Parliament be summoned when the King shall appoint; that the King's pleasure be known concerning the time of his Father's Funeral, and where the Corps shall rest in the mean time, as also the time of his Majesty's Coronation.

This being done, the whole Council attended the King at St. James's, where the Lord Keeper, in the name of all the rest, presented their humble thanks, that it had pleased his Majesty to have affiance in those that had been Counsellors to his Father, to receive them all to be of his Privy-Council; the Lord President represented to the King the matters before mentioned, which the King allowed, and gave order, that those of them which required speed, should be put in execution, and most of the powers be signed presently: And first, because by the death of the late King, the Authorities and Powers of the greatest number of Offices and Places of Government did cease and fail, by the failing of the Sovereign Person, from whom the same were derived, a Proclamation issued forth, signifying his Majesty's pleasure, That all persons whatsoever, who at the decease of the late King were invested in any Office or place of Government, Civil or Martial, within

Proclamation concerning Persons in Office, &amp;c.

within the Realms of *England* and *Ireland*, and namely, Presidents, Lieutenants, Vice-presidents, Judges, Justices, Sheriffs, Deputy-Lieutenants, Commissaries of Musters, Justices of Peace, shall continue in their several Offices, till his Majesties pleasure were further known. In another Proclamation of the same date, the King took notice of his Father's death, and that he being his only Son, and undoubted Heir, is invested and established in the Crown Imperial of this Realm, and all other his Majestie's Realms, Dominions and Countries, with all the Royalties, Preeminences, Stiles, Names, Titles, and Dignities to the same belonging; and he declared, That as he, for his part, shall by Cod's grace, shew himself a most benign and gracious Sovereign Lord to all his good Subjects, in all their lawful Suits and Causes; so he mistrusteth not, but that they, on their parts, will shew themselves unto him their Natural Liege Lord, most loving, faithful, and Obedient Subjects.

I Caroli.

Proclamation  
of Government.

B The Council resolved to move the King, that his Father's Funeral might be solemnized within five weeks, and within a few days after the Ceremonial Nuptials in *France*; and before the Parliament began in *England*. These Resolves the Lord President represented unto the King, who accepted of the advices, and said, he would follow them. Moreover he summoned a Parliament to begin the seventeenth of *May*; but, by the advice of his Privy Council, Prorogued it to the one and thirtieth of *May*, afterwards to the thirteenth of *June*, and then to the eighteenth of the same moneth: Which Prorogations were occasioned by the King's going to *Dover* to receive the Queen.

Resolution ta-  
ken by the  
King concern-  
ing King  
James's Fune-  
ral, and his  
own MarriageA Parliament  
summoned.King James's  
Funeral.

C April 23. the Body and Herse of King *James* was brought from *Thebalds* to *London*, being conducted by the Officers of the Guard of the Body, all in mourning, every one having a Torch, and attended by all the Lords of the Court, and great numbers of other persons of quality, and was placed in *Denmark-house*, in the Hall of the deceased Queen *Anne*.

D The seventh of *May* was the day of Burial, the Body and Herse were taken from the said Hall of State, and brought in great Pomp and Solemnity to *Westminster*, where the Kings of *England* used to be interred: The new King, to shew his piety towards his deceased Father, was content to dispense with Majesty; he followed in the Rear, having at his right hand the Earl of *Arundel*, at his left, the Earl of *Pembroke*, both Knights of the Garter; his Train was born up by Twelve Peers of the Realm. So King *James*, who lived in Peace, and assumed the Title of *Peace-maker*, was peaceably laid in his Grave, in the Abby of *Westminster*.

E King *Charles*, in his Father's life time, was linked to the Duke of *Buckingham*, and now continued to receive him into an admired intimacy and dearness, making him partaker of all his Counsels and Cares, and chief Conductor of his Affairs; an Example rare in this Nation, to be the Favourite of two succeeding Princes.

Duke of Buck-  
ingham contin-  
ues Favourite  
to King  
*Charles*.

F The publick state of Religion, and the steering of Church-matters, had an early inspection and consultation in the Cabinet Council. Bishop *Laud*, who, in King *Jame's* life-time had delivered to the Duke a little Book about Doctrinal *Puritanism*, now also delivered to the Duke a Schedule, wherein the names of Ecclesiastical persons were written under the letters *O* and *P*, *O* standing for Orthodox, and *P* for Puritans; for the

Religion con-  
sidered.

An. 1625.

A general Muster.

Souldiers levied for the Palatinate.

Proclamation against disorders committed by Souldiers.

Articles of the Marriage with France, signed by the King.

Duke commanded, that he should thus digest the names of eminent persons to be prefeted unto the King under that partition.

King *Charles*, in the entrance of his Reign, proceeds with Preparations for a War, begun in his Father's time; the Militia of the Kingdom, through the long continued Peace, was much decayed, and the Musters of the Trained-Bands were slight, and seldom taken, and few of the Commons were expert in the use of Arms; wherefore the Lord Lieutenants were commanded, by Order of the Council, to make a general Muster of the Trained Horse and Foot in the several Counties, and to see to the sufficiency of the Men, Horse, and Arms, and that all be compleat according to the best modern form, and be in readiness for all occasions, and especially now the affairs of *christendom* stand upon such uncertain terms; and more particularly, that the Maritime Towns be well manned, and their Men duly exercised: and the King declared his will and pleasure, that the Lords Lieutenants of the several Shires, should have the nomination of their Deputy Lieutenants.

In the beginning of *May*, Warrants were issued forth for a Levy of Soldiers, to be employed in the Service of his Majesty's Brother and Sister, the Prince and the Princess *Palatine*, whereof eight thousand were appointed to rendezvous at *Plimouth*, by the five and twentieth of this month; and the charge of Coat and Conduct was ordered to be disbursed by the Countrey, and the Countrey to be repayed out of the King's Exchequer, after the President of former times. In like manner, two thousand men were appointed to rendezvous at the Port of *Hull*, to be transported into the *Netherlands* for the service of the *United-Provinces*, and two thousand were to be returned thence into *England* for his Majesty's present service. The mingling of a good proportion of old Soldiers and Officers, with the new raised Companies, was the ground of this exchange.

The remembrance of the late violence committed by Count *Mansfield*'s Army in their passage to *Dover*, occasioned a Proclamation to repress and prevent the like attempts of Souldiers, as they now passed through the Counties to the places of the Rendezvous, threatening the Offenders with the strictest proceedings against them, for an example of terror; and straitly commanding the Officers, who have the charge of the Conduct, for the removing of all occasions and pretences of disorders, to see their Companies duly paid, and provided of all necessaries, and to be always present with them, and carefully to conduct them from place to place. In like manner to prevent their outrages, when they should come to *Plimouth*, or the parts adjoining, a Commission was sent, empowering persons of trust, upon any robbery, felony, mutiny, or other misdemeanors (punishable with death by Martial Law) committed by the Soldiers, or other dissolute persons joyned with them, to proceed to the trial and condemnation of all such Delinquents, in such summary course and order, as is used in Armies in time of War, according to the Law Martial; and to cause Execution to be done in open view, that others may take warning and be kept in due obedience.

The consummation of King *Charles* his Marriage with *Henrietta Maria*, Daughter of *France*, was near at hand. The Treaty had proceeded far in his Father's life time, but was not, in all points, concluded; the Articles were signed the year before by King *James*, on the eleventh of *May*, and by the *French King* on the fourteenth of *August*. On the thirteenth

thirteenth of *March* this present year, (the Earls of *Carlisle* and *Holland* being then Ambassadors and Commissioners in *France* for this Marriage) signed the Articles.

Besides the general, there were other private Articles agreed upon in favour of the Papists in this Kingdom. "That the Catholicks, as well "Ecclesiasticks as Temporal, imprisoned since the last Proclamation, "which followed the breach with *Spain*, should all be set at liberty.

A "That the English Catholicks should be no more searched after, nor "molested for their Religion.

"That the Goods of the Catholicks, as well Ecclesiastical as Temporal, that were seized on since the forementioned Proclamation, "should be restored to them.

B And on the Tenth of *May*, as the first-fruits of this promised Indulgence and favour, the King granted unto Twenty Roman Priests a special Pardon of all offences committed against the Laws then in force against Papists.

C The Dispensation being come from *Rome* about the beginning of *May*, the Epoufals were made in *Paris* by Cardinal *Richelieu*: The Ambassadors having first presented to the King the Contract of Marriage, which was read openly by the Chancellor; and his Majesty of *France* agreed thereunto; the Duke of *Cheverœux* likewise shewed his Procuratation of power which the King of *England* had given him concerning the said Marriage.

D The Archbishop of *Paris* pretended, that it belonged to him to perform this Solemnity; but the Cardinal carries it, as well for the eminency of his Dignity, as for that he was chief Almoner and prime Curate of the Court.

E Sunday following, the day appointed for these Nuptials, the Bride went from the *Louvre* about nine in the morning, to be dressed in the Archbishop's House; and afterwards the King, Queen, and Princesses, and all the Court in rich attire, parted likewise from the *Louvre*, and came to the said House of the Archbishop, and thence conducted the Bride to a Theatre erected on purpose before the Frontispiece of *Nostre-Dame*: the Duke of *Cheverœux* had black habit, lined with Cloth of Gold, and beset with Diamonds; the Earls of *Carlisle* and *Holland*, Ambassadors, were both clad in beaten Silver, and went on each side of the Duke of *Cheverœux*: A Canopy being plac'd upon the Scaffold, the King of *France* and Monsieur his Brother consigned the Queen of *Great Britain*, their Sister, into the hands of the Duke of *Cheverœux*, and the Marriage was solemnized according to the ordinary Ceremonies of that Church.

F Which being performed, they went in the same order and solemnity to *Nostre-Dame*, the Duke of *Cheverœux* going before the King. When they came to the door of the Quire, they made great reverence to the King and Queen; and then the Ambassador's retired into the Bishop's house, while Mass was said in the Church.

The Mass being ended, the Duke of *Cheverœux* and the Ambassadors came again to the door of the Quire to take their places, and the same Order was observed in returning as in going; and so they came from the Church into the Hall of the Archbishop's House where the Feast Royal was made in as great magnificence as can be expressed. The King sat under a Canopy at the middle of the Table, and the Queen of *Great Britain* at his left hand, and the Queen-Mother at his right; the Duke

I. Caroli.

Private Articles in favour of the Catholicks.

The Marriage solemnized in France.

An. 1625.

of *Chavereux* sat next the Queen of *England*, and the Earl of *Carlisle* and *Holland* next to the Duke.

To the intent that all sorts of persons might partake of the publick joy, Prisoners for Debts were set at liberty, and pardon was granted to several Criminals as an earnest to the King's respect and love to his Sister, after this new Alliance.

The Duke  
sent into  
France for the  
Queen.

The Duke of *Buckingham* was sent into *France* to his Christian Ma-jesty, to send away the Wife to the King of Great Britain, and to be her Convoy. He arrived at *Paris* the 24 of *May*, with the Earl of *Montgomery*, and other English Lords, and was lodged in the Palace of the Duke of *Chavereux*, who, with his Lady, was to conduct the Queen into *England*, there to render her to the King her Husband. During the seven days stay which the Duke made at *Paris*, the Feastings and rejoycings were renewed and multiplied, Bonfires shining, and Canon playing; but none did equalize the Feast that was made by the Cardinal of *Ricci*.

The secon<sup>d</sup> of *June* was the time appointed for our Queen's departure: The King of *France* sent to the Towns in her way, to render her Majesty all due honours, as if it were to himself.

A ROYAL NAVY  
sent to *Boulogne*  
to transport  
the Queen.

The King of *England* having notice, that the Queen was gone from *Paris*, sent a Royal Navy to *Boulogne* to transport her; the Fleet saluted the Queen, with an hundred pieces of Canon. Among other great Ladies, the Duchess of *Buckingham* was sent to kiss the Queen's hands, as from the King her Husband, desiring her to take her own time of coming over, with most convenience to her own person.

The 22 of *June* (New style) the Queen embarked at *Boulogne*, and within Twenty four hours arrived at *Dover*: And as the King was preparing to receive her, she sent to his Majesty to desire him not to come till the morrow, because she had been somewhat indisposed at Sea. She passed that night at *Dover*, and the next day about Ten of the clock, the King was there, with the Flower of the Nobility; and after some Complements past, caused every body to retire, and they were half an hour together in the Closet.

The Marriage  
consummated  
at *Canterbury*.

Thence his Majesty conducted the Queen to *Canterbury*, and the same Evening the Marriage was there consummated.

Then the Queen, in testimony of her respect and love to the King her Husband, made it her first suit, (as afterwards the King made known) That he would not be angry with her for her faults of Ignorance, before he had first instruced her to eschew them; For that she being young, and coming into a strange Countrey, both by her years, and Ignorance of the Customs of the Nation, might commit many Errors: And she desired him in such cases to use no Third person, but by himself to inform her when he found she did ought amiss. The King granted her request, and thanked her for it, desiring her to use him, even as she had desired him to use her: Which she willingly promised.

The Trained  
Bands of *Kent*  
commanded  
to attend the  
Queen.

The Knights and Gentlemen of *Kent*, together with the Trained Bands, were, by Order of the Council, commanded to attend and receive the Queen at the most convenient places as she passed, in such solemn manner and equipage, as became the Dignity of his Majesty, and the quality of her Person: Likewise the Magistrates of the Cities and Towns were commanded to attend at her passage, in such Formalities as are used in principal and extraordinary Solemnities.

The King and  
Queen come  
to *London*.

On the ~~Seventeenth~~ of *June*, the King and Queen came both to *London*: Great preparations were made and intended for her Majesty's reception;

A

B

C

D

E

F

A reception ; but the Plague then increasing, those Ceremonies were laid aside.

A Chappel at *Somerset-House* was built for the Queen and her Family, with conveniences thereunto adjoining for *Capuchin-Friars*, who were therein placed, and had permission to walk abroad in their Religious habits. Thence-forward greater multitudes of *Seminary Priests* and *Jesuits* repaired into *England* out of Foreign parts.

A This Summer, the Pestilence raged in *London*. At the entrance of the late King there was a great Plague in the City, but this was far greater, and the greatest that ever was known in the Nation : For which cause a great part of *Trinity-Term* was adjourned from the First Return, to the Fourth, by the advice of the Privy-Council, and the Justices of the Courts at *Westminster*; and some few days in the beginning and ending thereof were helden, for the better expediting and continuing of Causes and Suits, and the returning and suing out of Processes, and such like business as might be done in the absence of the Parties by their Attorneys.

B On the Eighteenth day of *June*, the Parliament began at *Westminster*. The King being placed in his Royal Throne, the Lords sitting in their Roles, the Commons also being present, his Majesty spake thus.

C 1 Caroli.

A Chappel built at *somer-set-houſe* for the Queen

A great plague in *London*.

The Parliament opened.

The King's Speech in Parliament.

C “**I** Thank God, that the busines to be treated on at this time is of such a nature, that it needs no eloquence to set it forth ; for I am neither able to do it, neither doth it stand with my Nature to spend much time in words. It is no new busines, being already happily begun by my Father of blessed memory, who is with God ; therefore it needeth no Narrative : I hope in God you will go on to maintain it, as freely as you advised my Father to do it. It is true, he may seem to some to have been slack to begin so just and so glorious a work ; but it was his wisdom that made him loth to begin a work, until he might find a means to maintain it : But after that he saw how much he was abused in the confidence he had with other States, and was confirmed by your advice to run the course we are in, with your engagement to maintain it, I need not press to prove how willingly he took your advice ; for the Preparations that are made, are better able to declare it, than I to speak it. The assistance of those in *Germany*, the Fleet that is ready for Action, with the rest of the Preparations, which I have only followed my Father in, do sufficiently prove, that he entred into this Action.

D “ My Lords and Gentlemen, I hope that you do remember, that you were pleased to employ me to advise my Father, to break off those two Treaties that were on foot ; so that I cannot say, that I came hither a free unengaged man. It's true, I came into this busines willingly and freely, like a Young man, and consequently rashly ; but it was by your interest, your engagement : so that though it were done like a Young man, yet I cannot repent me of it, and I think none can blame me for it, knowing the love and fidelity you have born to your King, having my self likewise some little experience of your affections. I pray you remember, that this being my first Action, and begun by your advice and entreaty, what a great dishonour it were to you and me, if this Action, so begun, should fail for that assistance you are able to give me. Yet knowing the constancy of your love both to me and this busines,

E “ I needed

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An. 1625.

"I needed not to have said this, but only to shew what care and sense I have of your Honors and mine own. I must intreat you likewise to consider of the times we are in, how that I must adventure your lives (which I should be loth to do) should I continue you here long; and you must venture the busines, if you be slow in your resolutions. Wherefore I hope you will take such grave counsel, as you will expedite what you have in hand to do: Which will do me and your selves an infinite deal of honour; you, in shewing your love to me; and me, that I may perfect that work which my Father hath so happily begun.

"Last of all, because some malicious men may, and, as I hear, have given out, that I am not so true a Keeper and Maintainer of the true Religion that I profess; I assure you, that I may with S. Paul say, that I have been trained up at Gamaliel's feet: And although I shall be never so arrogant as to assume unto my self the rest, I shall so far shew the end of it, that all the world may see, that none hath been, nor ever shall be more desirous to maintain the Religion I profess; then I shall be.

"Now because I am unfit for much speaking, I mean to bring up the fashion of my Predecessors, to have my Lord Keeper speak for me in most things: Therefore I have commanded him to speak something unto you at this time, which is more for formality, than any great matter he hath to say unto you.

The Lord  
Keeper's  
Speech in  
Parliament.

Then the Lord Keeper Coventry declared, "That the King's main reason of calling the Parliament, besides the beholding of his Subjects faces, was to mind them of the great Engagements for the Recovery of the Palatinate, imposed on his Majesty by the late King his Father, and by themselves, who brake off the two Treaties with Spain. Also to let them understand, That the succeeding Treaties and Alliances, the Armies sent into the Low-Countrys, the repairing of the Forts, and the Fortifying of Ireland, do all meet in one Centre, the Palatinate; and that the Subsidies granted in the last Parliament, are herein already spent, whereof the Accompt is ready, together with as much more of the King's own Revenue. His Lordship further commended three Circumstances.

"First, the Time; all Europe being at this day as the Pool of Bethesda, the first stirring of the Waters must be laid hold on: Wherefore his Majesty desires them to bestow this Meeting on him, or rather on their Actions; and the next shall be theirs, as soon, and as long as they please, for Domestick business.

"Secondly, Supply: If Subsidies be thought too long and backward, his Majesty desires to hear, and not to propound the way.

"Thirdly, the Issue of Action; which being the first, doth highly concern his Majesties Honour and Reputation, for which he relies upon their Loves, with the greatest confidence that ever King had in his Subjects; witness his Royal Poesie, *Amor Civium Regis Munitum*: And he doubts not, but as soon as he shall be known in Europe to be their King, so soon shall they be known to be a loving and loyal Nation to him.

June 21. The Commons presented Sir Thomas Crew, Knight, and Sergeant at Law, for their Speaker, (who was also Speaker in the last Parliament of King James) and his Majesty approved the Choice.

Sir Tho Crew  
Speaker.

After

A After the House of Commons had settled their General Committees, there were various Debates amongst them : Some insisting upon the Grievances mentioned, but not redressed by King James in the last Parliament ; others pressed for an account of the last Subsidies granted for recovery of the *Palatinate* ; others for putting of Laws in execution against Priests and Jesuits, and such as referred to Ambassadors Houses, and the questioning of Mr. Richard Montague, for his Book entitled *An Appeal to Cesar* ; which (as they said) was contrived and published to put a jealousy between the King and his well affected Subjects, and contained many things contrary to the Articles of Religion established by Parliament ; and that the whole frame thereof was an encouragement to Popery.

I Caroli.

Debates in the  
House of  
Commons.

B Others again declared, how the King no sooner came to the Crown, but he desired to meet his people in Parliament, it being the surest way to preserve a right understanding between him and them ; that since he began to reign, the Grievances are few or none ; and when he was Prince, he was observed to be very instrumental in procuring things for the Subjects benefit. Wherefore it will be the wisdom of this House to take a course to sweeten all things between King and People, and to express their duty to the King by giving Supply, and therewith to offer nothing but a Petition for Religion, that Religion and Subsidies may go hand in hand. And whatsoever they did, it was needful to do it quickly considering how greatly the Plague increased, and the Bell was tolling every minute while they were speaking.

A Fast.

C The Commons moved the Lords to joyn in a Petition to the King for a Publick Fast, whereunto their Lordships readily concurred ; and the King consenting, a Proclamation was issued forth for a Fast throughout the Kingdom.

Committees  
chosen.

D Several particular Committees were appointed. One to enquire of the Subsidies given the last Parliament, another to consider of Tonnage and Poundage. The imposition on Wines was Voted upon the Merchants Petition, to be presented as a Grievance.

Message to the  
King touching  
Religion and  
his Answer.

E Sir Edward Cook went to the House of Peers with a Message from the Commons, desiring a Concurrence in a Petition concerning Religion, and against Recusants ; which being agreed unto, and presented to the King, his Majesty answered, That he was glad that the Parliament was so forward in Religion, and assured them they should find him as forward ; that the Petition being long, could not be presently answered.

Mr. Montague  
brought to the  
bar.

F Mr. Richard Montague was brought to the Bar of the Commons House for his fore-named Book. This cause being in the one and twentieth of King James, when he had published a former Book which he named *A new Gag for an old Goose*, in answer to a Popish Book entitled, *A Gag for the New Gospel*. The business was then questioned in Parliament, and committed to the Archbishop of Canterbury, and ended in an Admonition to Montague.

The Arminian  
party affect  
his cause.

G Afterwards the Bishops of the Arminian Party, consulted the Propagation of the five Articles condemned in the Synod of Dort, concluded that Mr. Montague being already engaged in the quarrel, should publish this latter Book at first attested by their Joyn Authorities, which afterwards they withdrew by subtlety, having procured the Subscription of Doctor Francis White, whom they left to appear alone in the Testimony as himself oft-times complained publickly. The Archbishop disallowed the Book, and sought to suppress it ; nevertheless it was Printed and

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The King takes Mountaineers business into his own hand.

Two Subsidies presented to the King.

The King accept them, and desires more.

*700000 pounds*

Palsgrave

A short Answer to the Petition touching Religion.

The Parliament adjourned to Oxford.

The Exchequer removed to Richmond.

The Vanguard and seven other Ships employed against Rochel.

Dedicated unto King Charles, whereby that party did endeavour to engage him in the beginning of his Reign. The House appointed a Committee to examine the Errors therein, and gave the Archishop thanks for the admonition given to the Author, whose Books they voted to be contrary to the Articles established by the Parliament, to tend to the Kings dishonour, and disturbance of Church and State, and took Bond for his appearance.

Hereupon the King intimated to the House, that the things determined concerning Montague without his Privity did not please him; for that he was his Servant and Chaplain in Ordinary, and he had taken the business into his own hands, whereat the Commons seemed to be much displeased.

Howbeit to take away all occasion of disgust from the King at the entrance of his Reign, both Houses did humbly present two Subsidies granted to his Majesty as the first-fruits of their love, whereof they craved acceptance.

The Lord Conway, Secretary of State, signified to the House of Lords (the Commons being present) the Kings gracious acceptance of the Bill of two Subsidies; yet that the necessities of the present Affairs were not therein satisfied, but required their further Counsels. He reminded them that the late King was provoked beyond his nature to undertake a War for the recovery of his Childrens Ancient Patrimony: The charges of this War appeared by Computation to amount unto seven hundred thousand pound a year to support the Netherlands, and to prevent the Emperors design of concluding with the Princes of Germany, (utterly to exclude the Palsgrave) he levied an Army under Count Mansfield. The King of Denmark and Sweden, and the Princes of Germany levied another, France, Savoy, and Venice joyned together for a War of Diversion; and to uphold the Netherlands, the charges of Mansfields and Denmarks Army must yet continue.

After this the Lord Keeper delivered a short Message from the King to both Houses, that to the Petition of the Lords and Commons touching Religion, his Majesty was pleased at the first to answer graciously; but now he hath sent them a fuller Answer, even assurance of his real performance in every particular.

The Houses were preparing several Acts, as against giving and taking of Bribes for places of Judicature; about pressing of Soldiers, and Tonage and Poundage, &c. But by reason of the great increase of the Plague, as appeared that week by the Bill of Mortality, the King being moved by the Houses to grant a short Receſſ, adjourned the Parliament to Oxford, to re-assemble the first of August following.

And for the same reason, the receipt of the Kings Exchequer was removed from Westminster to Richmond and all Fairs within Fifty miles of London were prohibited to prevent a more general contagion.

In the time of this Receſſ, the Vanguard, a principal Ship of the Royal Navy, with seven Merchants Ships of great burden and strength, were lent to the French King, and employed against Rochel, which was thus brought about: King James in his life time, being in Treaty for a Marriage between his Son, and the now Queen, and entring into a War against the King of Spain, and his Allies in Italy and Valoyn; had passed some Promise for procuring or lending of Ships to the French King, upon reasonable Conditions; but in no wise intended they shoul. I serve against Rochel, or any of our Religion in France: For the French Mini-

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i. Caroli.

Ministers pretended, that the Ships should be employed onely against *Genoa*; but afterwards the Protestants in *France* intimating their suspition, that the design for *Italy* was a meer pretence to make up an Army to fall upon the *Rochellers* and others of the Religion, King *James* willing to perform his promise, and yet to secure the Protestants, directed, that the greater number of those that served in the Ships should be English, whereby he might keep the power in his own hands.

A For the performance of this Engagement, the forenamed Ships were at this time commanded to the Coasts of *France*: nevertheless there wanted a sufficient care to prevent the abusing and enslaving of them to the designs of the French King. Captain *John Pennington*, the Admiral of this Fleet, was much unsatisfied, and presented to the Duke of *Buckingham*, Lord High Admiral, his Exceptions to the Contract between his Majesty and that King, and chiefly, for that the Companies were bound to fight at the French Kings command, against any Nation, except their own; and that the French might put aboard them as many of their own people as they pleased. The *Vanguard* arrived at *Deep*, but the rest lingered behind; for, the Companies understanding, that the French design was to surprize the Ships, and to block up the Harbour of *Rosel*, resolved to sink, rather than to go against those of their own Religion. Captain *Pennington* received Letters from the Duke, and a Warrant from Secretary *Connally*, in the King's name, to command him to deliver up the Ships to the hands of such Frenchmen, as his Christian Majesty shou'd appoint; but withal directing him not to desert his Charge; by which latter passage, he was willing to understand, that it was not the Dukes intention, that he should dispossess himself and his Companies of them; for he supposed his Grace had no such unjust thought, as to continue him there alone.

B These Orders were delived unto him by the hands of the French Ambassador, together with a Letter from the French King, which willed him to receive his Soldiers, and his Admiral the Duke of *Montmorence*, and joyn with his Fleet against his rebellious Subjects. Whereupon the Ambassador urged the surrender of the Ship, and nothing would satisfie him, but a present possession, and a discharge of the English Soldiers, save a very few, in case they were willing to be entertained in the service. *Pennington*, after much dispute, although he were promised an ample reward in Money, to be given him at the surrender, and of a Royal Pension during his life, came to this resolute Answer, That without an express and clear Warrant, he would not surrender nor discharge a man of his Company. Whereupon the French Ambassador's Secretary came two several times to the Ship to protest against the Captain, as a Rebel to his King and Countrey; but at the making of the last protest, which was accompanied with threatening Speeches, the Soldiers and Marriners grew into such a fury and tumult, that they got up their Anchors, and set sail for *England*, saying, They would rather be hanged at home, then surrender the Ship, or be Slaves to the French, and fight against their own Religion.

C D E F All which Captain *Pennington* did not gainsay nor oppose; but when they came to Anchor in the *Downs*, he advised the Duke of all that had hapned, and craved further direction, but complained of the bondage of this Engagement; assuring him, That the Marriners would rather be hanged, than return again into *France*: So in all the rest of the Ships, the Captains and Companies utterly refused the Service, and protested

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against it, though they were tempted with Chains of Gold, and other Rewards.

All this while the Body of the Council were ignorant of any other design than that of *Genoa*: then several persons came over from the Duke of *Rohan*, and the Protestants of *France*, to sollicit the King and Council against lending of the Ships, and received fair Answers from them both. But the King sent an express and strict Order to *Pennington*, requiring him without delay, to put his former Command in execution, for the configning of the Ship called the *Vanguard*, with all her Furniture, into the hands of the Marquis *D'Effiat*: assuring the Officers of the Ships, that he would provide for their indempnity; and further commanding him to require the seven Merchants Ships, in his name, to put themselves into the Service of the French King; and in case of backwardness or refusal, to use all means to compel them thereunto, even to their sinking.

Upon this, *Pennington* went back to *Deptford*, and put the *Vanguard* into the absolute power and command of the French King, to be employed in his Service at pleasure, and commanded the rest of the Fleet to the like surrendre. At the first, the Captains, Masters, and Owners, refused to yield, weighed Anchor, and were making away; but when *Pennington* shot, they came in again, but Sir *Ferdinando Gorge* came away with the Ship called the *Neptune*. The Companies unanimously declined the Service, and quitted the Ships, all but one man, who was a Gunner; and *Pennington* hastened to *Oxford*, where the Parliament was reassembled; but, as was voiced, was there concealed till the Parliament was dissolved.

The Parliament meets at Oxford.

On the first of *August* the Parliament reassembled at *Oxford*, whether the news of the Ships lent to the French, against the besieged *Rochellers*, did quickly fly, and exasperated the spirits of that great Assembly against the Duke of *Buckingham*.

Grievances.

The Grievances insisted upon, were the mis-spending of the Publick Treasure, the neglect of guarding the Seas, insomuch that the *Turks* had leisure to land in the Western Parts, and carry away the Subjects Captive. The Commons appointed a Committee to consider of secret Affairs, and examine the Disbursements of the Three Subsidies, and the Three Fifteens, given to King *James*, for the recovery of the *Palatinate*; and they prepared to assault the Duke. Also Mr. *Richard Montague* was summoned to appear, according to the condition of his Bond; and a Committee was appointed to proceed in the further examination of that business.

Mr. Montague summoned to appear.

Mr. *Montague's* Cause was recommended to the Duke by the Bishops of *Rochester*, *Oxford*, and *St. David's*, as the Cause of the Church of *England*. They shew, that some of the Opinions, which offended many, were no other than the resolved Doctrine of this Church, and some of them are curious Points disputed in the Schools, and to be left to the liberty of Learned men, to abound in their own sense, it being the great fault of the Council of *Trent*, to require a Subscription to School-opinions, and the approved Moderation of the Church of *England*, to refuse the apparent Dangers and Errors of the Church of *Rome*; but not to be over-busie with Scholastical Niceties. Moreover, in the present case, they alledge, that in the time of *Henry the Eighth*, when the Clergy submitted to the King's Supremacy, the Submission was so resolved, That in case of any difference in the Church, the King and the Bishops were to determine

His Cause recommended by the Bishops to the Duke.

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A determine the matter in a *National Synod*; and if any other Judge in matters of Doctrine be now allowed, we depart from the Ordinance of Christ, and the continual practise of the Church. Herewithal they intimated, that if the Church be once brought down below her self, even Majesty it self will soon be impeached. They say farther, That King James, in his rare wisdom and judgment, approved all the opinions in this Book; and that most of the contrary opinions were debated at *Lambeth*, and ready to be published, but were suppressed by Queen Elizabeth, and so continued, till of late they received countenance at the *Synod of Dort*, which was a Synod of another Nation, and to us no way binding, till received by publick Authority. And they affirm boldly, That they cannot conceive what use there can be of Civil Government in the Common-wealth, or of External Ministry in the Church, if such fatal opinions as some are, which are opposite to those delivered by Mr. Montague, be publickly taught and maintained.

B Such was the opinion of these forenamed Bishops ; but others of eminent Learning were of a different Judgment.

C At *Oxford*, in a late Divinity-Disputation held upon this Question, Whether a Regenerate man may totally and finally fall from Grace? The Opponent urging the *Appeal to Cæsar*, the Doctor of the Chair handled the Appellator very roughly, saying he was a meer *Grammian*, a man that studied Phrases more than matter ; That he understood neither Articles nor Homilies ; or at least perverted both ; That he attributed he knew not what vertue to the Sign of the Cross, *Dignus cruce qui afferit* ; and concluded with an Admonition to the Juniors, That they should be wary of reading that and the like Books.

D On the fourth of *August*, the Lords and Commons were commanded to attend his Majesty in *Christ-Church-Hall* in *Oxford*, where he spake unto them in manner following.

E “**M**Y Lords, and you of the Commons, we all remember, that from your Desires and Advice, my Father, now with God, brake off those two Treaties with *Spain* that were then in hand : Well you then forefaw, that as well for regaining my disposses- sed Brother’s Inheritance, as home defence, a War was likely to succeed ; and that as your Councils had led my Father into it, so your assistance, in a Parliamentary-way to pursue it, should not be wanting. That aid you gave him by advice, was for succour of his Allies, the guarding of *Ireland*, and the home part, supply of Munition, preparing and setting forth of his Navy. A Council you thought of, and appointed for the War, and Treasurers for issuing of the Moneys : And to begin this Work of your Advice, you gave Three Subsidies, and as many Fifteens, which, with speed, were levied, and by direction of that Council of War (in which, the preparation of this Navy was not the least) disbursed.

F “It pleased God, at the entrance of this Preparation, (by your Advice begun) to call my Father to his Mercy, whereby I entreated as well to the care of your Design, as his Crown. I did not then, as Princes do, of Custom and Formality re-assemble you, but that by your further Advice & Aid, I might be able to proceed in that, which, by your Councils, my Father was engaged in. Your love to me, and forwardness to further those Affairs, you expressed by a Grant of Two Subsidies, yet ungathered ; although I must assure you, by my self and others, upon

i Caroli.

The Appeal to Cæsar disputed.

The King's Speech in Christchurch.

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"upon credit taken up, and aforch and disbursed, and as far short, as yet,  
"to set forth that Navy now preparing; as I have lately the estimate of  
"those of care, and who are still employed about it, whose particular of  
"all Expences about this preparation shall be given you, when you  
"please to take an account of it."

His Majesty having ended his Speech, commanded the Lord *Conway*  
and Sir *John Cook* more particularly to declare the present state of  
Affairs; which was done to this effect.

Lord *Conway*  
and Secretary  
*Cook*, by the  
King's com-  
m'd, declare  
the present  
state of affairs.

"**T**HAT our Sovereign Lord King *James*, of famous memory, at the  
"suit of both Houses of Parliament, and by the powerful ope-  
"ration of his Majesty that now is, gave consent to break off the  
"two Treaties with *Spain*, touching the Match and the *Palatinate*, and  
"to vindicate the many wrongs and scorns done unto his Majesty and  
"his Royal Children: Besides, if the King of *Spain* were suffered to pro-  
"ceed in his Conquests, under pretence of the Catholick Cause, he  
"would become the Catholick Monarch, which he so much affects, and  
"aspires unto. Also amidst these necessities, our late King considered,  
"that he might run a hazard with his people, who being so long inured  
"to Peace, were unapt to War; that the uniting with other Provinces  
"in this undertaking, was a matter of exceeding difficulty. This drew  
"him to new Treaties for regaining his Childrens right, which were ex-  
"pulsed by the Friends and Agents of *Spain*; and wherein his Majesty  
"proceeded as far as the wisest Prince could go, and suffered himself to  
"be won unto that, which otherwise was impossible for his Royal Nature  
"to endure. He considered also the many difficulties abroad, the Duke  
"of *Bavaria* by Force and Contract had the *Palatinate* in his own posse-  
"sion, most of the Electors and Princes of *Germany* were joyned with  
"him. The Estates of the other Princes most likely to joyn in a War of  
"Recovery, were seised and secured, and all by a Conquering Army:  
"Besides, the Emperor had called a Diet, in which he would take away  
"all possibility of recovering the honour and inheritance of the *Palati-*  
"nate; thus it stood in *Germany*. And in *France*, the King there chose to  
"sheath his Sword in the bowels of his own Subjects, rather than to de-  
"clare against the Catholick Cause. In the *Low-Countrys*, the Sect of the  
"Arminians prevailed much, who inclined to the *Papists* rather than to  
"their own safety, notwithstanding that the Enemy had a great and  
"powerful Army near them; so that his Majesty was enforced to protect  
"and countenance them with an Army of Six thousand from hence, with  
"a caution of the like Supply from thence, if required. Moreover he  
"sought Alliance with *France*, by a Match for his Royal Majesty that  
"now is, thereby to have interest in that King, and to make him a Party.  
"The last consideration was his Majesty's own honour, who had labour-  
"ed with the two Kings of *Denmark* and *Sweden*, and the *German* Prin-  
"ces, from whom he received but cold Answers, they refusing to joyn,  
"unless they first saw his Majesty in the Field. But of this he was very  
"tender, unless the League was broken, or he first warred upon. The  
"Forces of an Army were considered, and the way of proceeding,  
"whether by *Invasion* or *Diversion*: The Charges thereof appeared in  
"Parliament to be Seven hundred thousand pounds a year; besides  
"*Ireland* was to be fortified, the Forts here repaired, and a Navy pre-  
"pared; he thought it feasible to enter into a League with the French  
"King, and the Duke of *Savoy* and *Venice*.

"Here

i Caroli.

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" He upon an Army was committed to Count Mansfield, the charge whereof came to Seventy thousand pound a month for his Majesty's part ; also he commanded the preparing of this great Fleet : All which so heartned the Princes of Germany, that they sent Ambassadors to the Kings of Denmark and Sweden ; and those two Kings offered a greater Army both of Horse and Foot, to which his Majesty was to pay a proportion. Count Mansfield's Army (though disastrous) produced these happy effects ; First, It prevented the Dyst intended by the Emperor. Secondly, The German Princes gained new courage to defend themselves and oppose their Enemies. Thirdly, The King of Denmark hath raised an Army, with which he is marched in Person as far as Minden. Moreover, the Confederates of France and Italy have prosecuted a War in Milan, and Peace is now made by the French King with his own Subjects ; so that by this means breath is given to our affairs.

B

" This Parliament is not called in meer Formality upon his Majesty's first coming to the Crown, but upon these real occasions, to consult with the Lords and Commons ; Two Subsidies are already given, and graciously accepted ; but the Moneys thereof, and much more, are already disbursed. A Fleet is now at Sea, and hastning to their Rendezvous, the Army is ready at Plymouth, expecting their Commanders. His Majesty's Honour, Religion, and the Kingdoms safety, is here engaged ; besides, he is certainly advised of Designs, to infest his Dominions in Ireland, and upon our own Coasts, and of the Enemies increase of Shipping in all parts. These things have called the Parliament hither, and the present charge of all amounts to above Four hundred thousand pounds ; the further prosecution whereof, the King being unable to bear, hath left it to their Consultations. His Majesty is verily perswaded, That there is no King that loves his Subjects, Religion, and the Laws of the Land, better than himself ; and likewise that there is no People that better love their King, which he will cherish to the uttermost. It was thought that this place had been safe for this Assembly, yet since the Sicknes hath brought some fear thereof, his Majesty willeth the Lords and Commons to put into the Ballance, with the fear of the Sickness, his and their great and weighty occasions.

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Then the Lord Treasurer added, " That the late King, when he died, was indebted to the City of London 120000 l. besides Interest, and indebted for Denmark and the Palatinate 150000 l. and indebted for his Wardrobe 40000 l. That these Debts lie upon his Majesty that now is, who is indebted unto London 70000 l. That he hath laid out for his Navy 20000 l. and 20000 l. for Count Mansfield. And for Mourning and Funeral Expences for his Father, 42000 l. For expences concerning the Queen, 40000 l. The Navy will require to set it forth in that Equipe, as is requisite, for the great Design his Majesty hath in hand, and to pay them for the time intended for this Expedition, 300000 l.

D

After this Conference, the Commons fell into high Debates, alleadging, That the Treasury was mis-employed ; that evil Counsels guided the King's Designs ; that our Necessities arose through Improvidence ; that they had need to Petition the King for a strait hand and better Counsel to manage his affairs : And though a former Parliament did engage the King in a War, yet (if things were managed by contrary Designs, and the Treasure mis-employed) this Parliament is not bound by another Parliament, to be carried blind-fold in Designs not guided by sound Coun-

Lord Treas-  
urer proceeds  
in that Sub-  
ject.Debates in the  
House of  
Commons,  
touching the  
present state  
of Affairs.

sel ;

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sel; and that it was not usual to grant Subsidies upon Subsidies in one Parliament, and no grievances redressed. There were many reflections upon the Dukes miscarriages; likewise they re-assumed the Debate concerning *Montague*, and they resolved, that Religion should have the first place in their Debates; and next unto it the Kingdoms Safety, and then Supplies. Other particu'ars were likewise insisted on, That the King be desired to Answer in full Parliament to the Petition concerning Religion, and that his Answer be inroled with the force of an Act of Parliament: Also that the House consider of the new prepared Fleet and Army, and whither intended, no Enemy being yet declared; That great Sums of Money were given for places to the value of an Hundred and forty thousand pounds at least; that the King should contribute to help the *Palatinates* Caufe with his own Estate; that the time of the year was too far spent for the Fleet to go forth in Service; that enquiry be made, whether the Duke brake not the Match with *Spain*, out of Spleen and Malice to *Conde Olivars*? whether he made not the Match with *France* upon harder terms; and whether the Ships lent against *Rochel* were not maintained with the Subsidies given for the relief of the *Palatinate*; that an Advised Counsel for the Government of the present Affairs, and to look into the Kings Estate, is necessary; that his Majesty be desired to give his Answer concerning the Imposition on Wines; and Select Committees draw out these Heads at large to be presented to the King; the doing whereof, they said was no Capitulation with his Majesty, but an ordinary Parliamentary course, without which, the Commonwealth could never supply the King, nor indeed subsist.

Complaints against Papists favored, notwithstanding the Kings Answer to the Petition against them.

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Soon after the Commons had a Conference with the Lords, desiring their Concurrence in presenting to the King, these matters fol'owing.

B  
That notwithstanding the Lords and Commons at their last Meeting, this Session, did Petition his Majesty for the advancing of Gods true Religion, and the suppressing of Popery: unto which his Majesty vouchsafed as well from his own Mouth, as by the Lord Keeper, to return such Answer as assured them of his Royal performance; yet at this Meeting they find, That on the 12 of July last, his Majesty granted a pardon unto *Alexander Baker* a Jesuit, and unto Ten other Papists, which (as the Commons have been informed) was gotten by the Importunity of some Foreign Ambassador, and passed by immediate Warrant, and was recommended by the Principal Secretary of State, without the payment of the ordinary Fees. And further, That divers Copies of Letters and other Papers being found in the house of one *Mary Estmonds* in Dorsetshire, by two Justices of Peace, who thereupon tendred her the Oath of Allegiance, and upon her refusal committed her to the Constable, from whom she made an escape, and complained to the King. The principal Secretary did write to those two Justices in favour of her.

C  
Upon these Passages the Commons made observations; First upon the date of the Pardon, which was the next day after his Majesties Answer by the Lord Keeper to their Petition concerning Religion; Secondly, that the Pardon dispenced with several Laws, as of the 21 and 27 of Queen *Elizabeth*, and of the third of King *James*, provided to keep the Subjects in due obedience; Thirdly, That the Pardon was signed by the Principal Secretary of State; and therefore the Commons declared that these actings tended to the prejudice of true Religion, his Majesties dishonor, the discountenancing of the Ministers of Justice, the grief of the good people, the animating of the Popish party, who by such examples grew more

D

E

F

proud and insolent, and to the discouragement of the High Court of Parliament : All which they humbly desire his Majesty to take into due consideration, and to give effectual and speedy redress therein.

A The Lord Conway, Principal Secretary of State, being called to give an account of this business, answered, That he never hated the Popish Religion ; That the Pardon was granted before the King answered their Petition, though it bore not date till afterwards ; That the King commanded the doing thereof, and that no Fees should be taken ; That he was commanded by the King to write a Letter in favour of the Woman in Dorsetshire, and what he did therein, was to take off all scandal from the King, though it lighted upon himself.

B This Conference no sooner ended, but both Houses were ordered to meet at Christ-Church, to receive an Answer to their Petition concerning Religion ! To every Clause whereof His Majesty answered in a Parliamentary way. The Petition, Remedies, and the King's Answer, we give you intermix'd, for the better understanding the Answer to every respective Clause distinctly.

C *To the King's most Excellent Majesty,*  
Most Gracious Sovereign,

D **I**T being infallibly true, That nothing can more establish the Throne, and assure the peace and prosperity of the People, than the unity and sincerity of Religion ; We your most humble and loyal Subjects, the Lords Spiritual and Temporal, and Common of this present Parliament assembled, hold our selves bound in conscience and duty to represent the same to your Sacred Majesty, together with the dangerous consequences of the increase of Popery in this Land, and what we conceive to be the principal Causes thereof, and what may be the Remedies.

The Petition concerning Religion, together with his Majesty's Answer.

E *The Dangers appear in these Particulars.*

F I. In their desperate ende, being both the subversion of the Church and State, and the restlessness of their spirits to attain these ends, the Doctrine of their Teachers and Leaders, persuading them, that therein they do God good service.

E II. Their evident and strict dependency upon such Foreign Princes, as no way affect the god of your Majesty and this State.

E III. The opening a way of Popularity to the ambition of any, who shall adventure to make himself Head of so great a Party.

*The principal Cause of the increase of Papists.*

F I. The want of the due execution of the Laws against Jesuits, Seminary Priests, and Popish Recusants; occasioned partly by the connivency of the State, partly by defects in the Laws themselves, and partly by the manifold abuse of Officers.

F II. The interposing of Foreign Princes by their Ambassadors and Agents in favour of them.

F III. Their great concourse to the City, and frequent Conferences and Correspondencies there..

An. 1625.

IV. The open and usual resort to the Houses and Chappels of Foreign Ambassadors.

V. The Education of their Children in Seminaries and Houses of their Religion in Foreign parts, which of late have been greatly multiplied and enlarged for the entertaining of the English.

VI. That in some places of your Realm, your People be not sufficiently instructed in the knowledge of true Religion.

VII. The licentious Printing and dispersing of Popish and Seditionous Books.

VIII. The imployment of Men ill-affected in Religion in places of Government, who do, shall, or may countenance the Popish party.

*The remedies against this outragious and dangerous disease, we conceive to be these ensuing.*

I. That the Youth of this Realm be carefully educated by able and Religious Schoolmasters, and they to be enjoyned to Catechize and instruct their Scholars in their grounds and principles of true Religion. And whereas by many complaints from divers parts of the Kingdom it doth plainly appear, That sundry Popish Scholars, dissembling their Religion, have craftily crept in, and obtained the places of Teaching in divers Counties, and thereby infected and perverted their Scholars, and so fitted them to be transpozted to the Popish Seminaries beyond the Seas; that therefore there be great care in choice and admitting Schoolmasters, and that the Ordinaries make diligent enquiries of their demeanors, and proceed to the removing of such as shall be faulty, or justly suspected.

### *His Majesties Answer.*

" This is well allowed of, and for the better performance of what " is desired, Letters shall be written to the two Archbishops, and from " them, Letters to go to all the Ordinaries of their several Provinces to " see this done; the several Ordinaries to give account of their doings " herein to the Archbishops respectively, and they to give account to " his Majesty of their proceedings herein.

II. That the antient Discipline of the Universities be restored, E being the famous Nurseries of Literature and Virtue.

*Answ.* " This is approved by his Majesty, and the Chancellor of each " University shall be required to cause due execution of it.

III. That special care be taken to enlarge the Word of God throughout all the parts of Your Majesties Dominions, as being the most powerful means for planting of true Religion, and rooting out of the contrary: To which end, among other things, let it please Your Majesty to advise Your Bishops, by Fatherly intreaty, and tender usage, to reduce to the peaceable and orderly service of the Church, such able Ministers as have been formerly silenced, that there may be a profitable use of their Ministry in

A in these needful and dangerous times ; And that Non-residency, Pluralities, and Compendams may be moderated. Where we cannot forbear most humbly to thank Your Majesty for diminishing the number of your own Chaplains ; nor doubting of the like Princely care for the well-bestowing of the rest of your Benefices, both to the comfort of the People, and the encouragement of the Universities, being full of grave and able Ministers unfurnished of Livings.

B Answ. " This his Majesty likes well, so as it be applied to such Ministers as are peaceable, orderly, and conformable to the Church-Government. For Pluralities and Non-residencies they are now so moderated, that the Archbishops affirm, there be now no Dispensations for Pluralities granted ; nor no Man now is allowed above two Benefices, and those not above thirty miles distant : And for avoiding Non-residence, the Canon in that case provided shall be duly put in execution. For Compendams, they shall be sparingly granted, only in such case where the exility and smallnes of the Bishoprick requireth. Also his Majesty will cause that the Benefices belonging to him shall be well bestowed. And for the better propagating of Religion, his Majesty recommends to the House of Parliament, that care may be taken, and provision made, that every Parish shall allow a competent maintenance for an able Minister ; and that the owners of Parsonages Improper would allow to the Vicars, Curats and Ministers in Villages and places belonging to their Parsonage, sufficient stipend and allowance for Preaching Ministers.

C D V. That there may be strict probation against transporting of English Children to the Seminaries beyond the Seas, and for the recalling of them who are already there placed, and for the punishment of such your Subjects as are maintairers of those Seminaries, or of the Scholars ; considering, that besides the seducing of your People, great sums of Money are yearly expended upon them, to the impoverishing of this Kingdom.

E Answ. " The Law in this case shall be put in execution : And further, there shall be Letters written to the Lord Treasurer, and also to the Lord Admiral, That all the Ports of this Realm, and the Creeks and Members thereof, be strictly kept, and strait searches made to this end : A Proclamation shall be to recall both the Children of Noblemen and the Children of any other Men, and they to return by a day ; Also maintainers of Seminaries of Scholars there, shall be punished according to Law.

F V. That no Popish Recusant be permitted to come within the Court, unless Your Majesty be pleased to call him upon special occasion agreeable to the Statute of 3 Jac. And whereas Your Majesty for the preventing of apparent mischiefs both to Your Majesty and the State, hath in Your Princely wisdom taken Order, that none of Your natural born Subjects not professing the true Religion, and by Law established, be admitted into the Service of Your Royal Consort the Queen. We give Your Majesty most humble thanks, and desire that Your Order herein may be obserued.

*An. 1625.* *Ans'r.* "If His Majesty shall find, or be informed of any Concourie  
of Recusants to the Court, the Law shall be strictly followed: And  
his Majesty is pleased, that by Proclamation the British and Irish Sub-  
jects shall be put in the same case. And as his Majesty hath provided  
in his Treaty with France, so his purpose is to keep it; That none of his  
Subjects shall be admitted into his Service, or into the Service of his  
Royal Consort the Queen, that are Popish Recusants."

*Seminary Priests.* VI That all the Laws now standing in force against Jesuits,  
Seminary Priests, and others having taken Orders by Authority de-  
ribed in the See of Rome, be put in due execution. And to the intent  
that they may not pretend to be surprized, That a speedy and certain  
Day be specified by your Majesties Proclamation for their departure  
out of this Realm, and all other your Dominions, and not to return  
upon the severest penalties of the Laws now in force against them;  
Also that all your Majesties Subjects may be thereby admonished not  
to receive, comfort, entertain, or conceal any of them, upon the penalties  
which may be lawfully inflicted: And that all such Papists, Jesuits,  
and Recusants, who are and shall be imprisoned for Recusancy, or any  
other cause, may be so strictly restrained, as that none shall have confe-  
rence with them, thereby to avoid the Contagion of their corrupt reli-  
gion: And that no man that shall be suspected of Popery, be suffered  
to be a Keeper of any of his Majesties Prisons.

*Ans'r.* "The Law in this case shall be put in execution, and a Procla-  
mation shall be to the effect desired; And such restraint shall be made,  
as is desired, And no man that is justly suspected of Popery, shall be  
suffered to be a Keeper of any of his Majesties Prisons."

VII. That Your Majesty be pleased to take such Order as to Your  
Princely wisdom shall be expedient, That no natural-born Subject, or  
strange Bishops, nor any other by authority from the See of Rome,  
confer any Ecclesiastical Orders, to exercise any Ecclesiastical Fun-  
ction whatsoever, towards, or upon Your natural Subjects within  
Your Dominions.

*Ans'r.* "This is fit to be ordered according as is provided, And it shall  
be so published by Proclamation."

VIII. That Your Majesties Learned Council may receive Order  
and Commandment to consider of all former Grants of Recusants  
Lands, that such of them may be avoided as are made to the Recusants  
use or interest, out of which the Recusant receiveth any benefit, which  
are either void, or voidable by the Law.

*Ans'r.* "The King will give order to his Learned Council to con-  
sider of the Grants, and will do according as is desired."

IX. That Your Majesty will be likewise pleased strictly to Com-  
mand all your Judges and Ministers of Justice Ecclesiastical and Tem-  
poral, to see the Laws of this Realm against Popish Recusants, to be  
duly executed; and namely, that the Censure of Excommunication  
be

be declared and certified against them; and that they be not absolved upon publick satisfaction by yielding to Conformity.

1 Caroll 1.

*Answ.* "His Majesty leaves the Laws to their Course, and will order in the point of Excommunication as is desired.

A X. That Your Majesty will be pleased to remove from places of Authority and Government all such Persons as are either Popish Recusants, or according to direction of former Acts of State, to be justly suspected.

*Answ.* "This His Majesty thinks fit, and will give order for it.

B XI. That present Order be taken for disarming all Popish Recusants, legally convicted, or justly suspected, according to the Laws in that behalf, and the Orders taken by His late Majesties Privy Council upon reason of State.

*Answ.* "The Laws and Acts in this Case shall be followed, and put in due execution.

C XII. That Your Majesty be also pleased in respect of the great resort of Recusants, to and about London, to Command forthwith upon pain of your indignation, and severe execution of the Laws, that they retire themselves to their several Countries, there to remain confined within five miles of their places.

*Answ.* "For this the Laws in force shall be forthwith executed.

D XIII. And whereas Your Majesty hath strictly Commanded and taken order, that none of the natural-born Subjects repair to the hearing of Masses, or other Superstitious Service at the Chappels or Housles of Forreign Ambasiadors, or in any other places whatsoever; we give your Majesty most humble thanks, and desire that your Order and Commandment therein may be continued and obserued, and that the Offenders herein may be punished according to the Laws.

E *Answ.* "The King gives Assent thereto, and will see that observed which herein hath been commanded by him.

F XIV. That all such Insolencies, as any that are Popishly affected have lately committed, or shall hereafter commit to the dishonor of our Religion, or, to the wrong of the true Professors thereof, be exemplarily punished.

*Answ.* "This shall be done as is desired.

G XV. That the Statute of 1 Eliz. for the payment of Twelue-pence every Sunday, by such as shall be absent from Divine Service in the Church, without a lawfull excuse, may be put in due execution, the rather, for that the penality by Law is given to the Poor, and therefore not to be dispensed withal.

*Answ.*

<sup>12 a Sunday.</sup>  
<sup>on absent for</sup>  
<sup>Divine service</sup>

An. 1625.

*Answ.* "It is fit that this Statute be executed, and the Penalties shall not be dispensed withal.

XVI. Lastly, that Your Majestie would be pleased to extend your Princely care also over the Kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true Religion.

*Answ.* "His Majesties cares are, and shall be extended over the Kingdom of Ireland; and he will do all that a Religious King should do for the restoring and establishing of true Religion there.

And thus (most Gracious Sovereign) according to our duty and zeal to God and Religion, to your Majestie and your safety, to the Church and Common-wealth, and their Peace and Prosperity, we have made a faithful Declaration of the present Estate, the causes and remedies of this increasing Disease of Popery; humbly offering the same to your Princely care and wisdom. The Answer of your Majesties Father, our late Sovereign of famous memory, upon the like Petition, did give us great comfort of Reformation; but your Majesties most Gracious promises made in that kind, do give us confidence and assurance of the continual performance thereof. In which comfort and confidence reposing our selves, we most humbly pray for your Majesties long continuance in all Princely Felicity.

The Petition and Answer being read, it was further intimated to the Commons, That as his Majesty took well their minding him of the care of Religion, so he would have done and granted the same things, though they had never petitioned him; neither doth he place his answer to this petition, as a wheel to draw on other affairs and designs, but he leaves them to move in their own Sphere; and what he hath done in this particular comes from these two Fountains, Conscience and Duty, to his Father, who in his last Speech recommended unto him the Person, but not the Religion of his Queen.

At the same time the Duke signified to both Houses, that by the Kings Command, he was to give an account of the Fleet, and the preparations thereof; and said, that the first and last time he had the happiness to speak in that Auditory, it was of the *Spanish Treaty*, and then he was so happy, as to be honoured and applauded by both Houses of Parliament; and he made no question, but speaking now with the same heart, he should be no less acceptable to them.

And he made this request to the House of Commons, to believe that if any had spoken, or shall speak in discharge of his Conscience, his zeal of Reformation, any thing which may seem to reflect upon some particular persons, he should be the last man that will apply this to himself, because he is confidently assured of two things: First, That they are just not to fall upon him without cause; and Secondly, That himself shall do nothing that unbecomes a faithful *Englishman*.

And for the method of his ensuing discourse, he chose rather to speak by way of Objection and Answer, than in one continued Speech, as a speedier means to give the Commons satisfaction.

The Duke  
renders an  
account to  
both Houses  
of the Fleet.

He speaks by  
way of Ob-  
jection and  
Answer.

Object. 1.

**Object.** By what Council those Designs and Actions of War were carried and enterprised.

**Ans<sup>w</sup>.** By the Counsel of the Parliament appointed according to the Act of both Houses, the 23 of March, 1623. by those Counsels his Majesty was guided, and applyed himself accordingly for the defence of the Realm, the securing of Ireland, the assisting of our neighbours and others our Friends and Allies, and for the setting forth of the Navy-Royal. His Majesty looking into his Purse, saw enough to do all the former actions, but not the latter: for when he came to consider of the Navy, there was neither Money nor Preparations; yet looking upon the affairs of Christendom, he found that of most necessity: Hereupon his Majesty of famous memory, did him (*viz.* the Duke) the honour, as to write from Newmarket to him at London, a Letter to this effect; That looking into the affairs of Christendom, he found it necessary, that a Royal Fleet should be prepared and set in readiness, but that he had no Money; wherefore himself (meaning the Duke) and his Friends must begin to lay it out, and, no doubt, but others would follow; and by this means, the King might lye the longer concealed and undiscovered in the Enterprise, as bearing the name of the Subject only, and other Princes in hope to draw him on, would sooner come to the busines.

**C** Upon this Letter, the Duke said, he leaped into the action with all alacrity; and having received all he had from his Majesty, was most desirous, and held it a happiness, to pour it out upon his service and occasions, and had laid out of his own purse four and forty thousand pounds; and the Treasurer of the Navy, at his request, had laid out fifty thousand pounds; that he entred not into this busines upon his own head, but fortified with the advice and counsel of those worthy persons, the Lord Conway, the Lord Chichester, Lord Grandison, Lord Carew, Sir Robert Mansel, and Sir John Cook.

**D** Their last consultation was of the War, next of the means; but both one and the other was justified by more than himself; he never did any thing but by them; he either repairing unto them, or else they did him the honor to resort to his Chamber: afterward the busines, with the King's leave, was imparted to all the Lords of the Council, and the account was made unto them, and allowed by them, who said there openly, his Majesty being present, That if this were put in execution, it would do well, and gave him some Attribute unto it.

**E** And Sir John Cook justified the shewing and the approving of these Accounts at the Council-Table; the Accounts consisted of long particulars of Soldiers to be levied, Marriners to be pressed, forwarding of Ships and Provisions, and that nothing wanted but Money.

He proceeded yet further, and shewed, That he was so Religious to guide these great Affairs by Council, as that at his journey into France, which fell out about this time, he desired his Majesty to recommend the busines to a Select Council, which his Majesty did, who, in his absence took care of the same.

**F** **Object.** 2. Why did not his Majesty declare the Enemy presently, upon granting those three Subsidies?

**Ans<sup>w</sup>.** His Majesty considered the state of Christendom at that season, and found it full of danger to declare the Enemy for three Reasons; First, because the great Enemy would be more prepared; Secondly, Spain being the Enemy, our Merchants Goods would be Imbargo'd, which are now drawing home; Thirdly, our friends finding us so long unprepared

*An. 1625.* prepared for our Declaration, would never believe any reality in our intentions.

Object. 3. *Whether a considerable Sum of Money be not yet required?*

*Answ.* Forty thousand pounds is yet necessary, but our Master is exhausted, his Treasure anticipated, his Lands pawned, his Plate offered to be pawned, but not accepted, and yet his Majesty must be maintained.

Object. 4. *Why was not this want of Money foreseen, but now only thought upon unexpectedly, and dangerously considering the sickness?*

*Answ.* It was foreseen before, but interrupted by unfortunate accidents; the death of the late King, the Funeral, which, for decency, could follow no sooner; the Journey into France, and the Marriage, which procured more delay than was expected, but necessary.

At the opening of this Parliament, his Majesty did declare this Necessity, and told the House plainly, that this Sitting must not be for Counsel, but Resolution; and when he understood the grant of two Subsidies, he conceived that Money to be a matter of Custom to welcome him to the Crown.

Object. 5. *Who gave counsel to his Majesty so suddenly, when the Sickness was dangerously spread, to convene this Parliament?*

*Answ.* His Majesty commanded him (the Duke) to say, That it was the business it self that gave this Counsel, and the necessity of it, else his Majesty would not have hazarded the two Houses, nor the rest of the Kingdom, if he had been able any way, without the Parliaments Supply, to set out the Navy.

Object. 6. *Is not the time of the year too far spent for the Navy to go forth?*

*Answ.* The King answered this formerly, Better halfe the Navy perish than the going thereof should be stayed; it would argue such want of Counsel, Courage, and Experience in the Design, such beggerliness in being not able to go through with it, that it may not be diverted, the season of the year suiting with the Design, as could be demonstrated, if the Design might not be published thereby.

Object. 7. *Whether these eight Ships lent to the French King, which were employed against the Rochellers, were not paid with the Subsidy-money?*

*Answ.* Those eight Ships were employed at the charge of the French King: Secondly, It is not always fit for Kings to give account of their Counsels; judge the thing by the event.

Object. 8. *Whether the Duke having been our Servant, to break the Match with Spain, made not a worse Match with France, and upon harsher terms?*

*Answ.* I hope the contrary will appear, by the Answer to your Petition.

Object. 9. *Did not the Duke serve us, in breaking the two Treaties with Spain, out of Spleen and Malice to Conde Olivares?*

*Answ.* There was no cause to hate Olivares, who was the means to make him happy; for out of his hands came those Papers, by which the Duke gained the love of this Nation, which before thought not so well of him; he was not vindictive in his nature; he can forgive those which had no such natural respect to their Countrey, as Olivares had; neither doth the Duke love that any man should be an instrument by ill means to do a good action, as Olivares intended to serve his Master and Kingdom by indirect means; and he could make a proof, that he was not vindictive, he can forgive one of our own Nation that con-

concurred with Olizares, but he was minded to leave that business asleep, which, if it should awake, would prove a Lion to devour him, who (as he said) he meant one of our \* Nation, who co-operated with Oli-

*I Carol.*  
The Earl  
of Derby.

A Obj. 10. It will be objected, That hitherto the Duke speaketh of immense charges, which the Kingdom is not able to bear; as, to assist the King of Denmark with Thirty thousand pounds per moneth, Count Mansfield with Twenty thousand pounds per month, the Low-Countrys with Eight thousand pounds per month, and Two thousand six hundred pounds per month for Ireland.

B Answ. Make the King Chief of the War by a diversion, and he will give a greater advantage to all his Allies, than by allowing of them Fifty thousand pounds; nay, a hundred thousand pounds per month. What is it for his Allies to scratch with the King of Spain, to take a Town to day, and lose it to morrow? for it is almost impossible to hope for Conquest in this kind, the King of Spain being so able by Land; but let the King our Sovereign be Master of the Wars elsewhere, and make a diversion, and let the Enemy be compelled to spend his Money and Men in other places, and our Allies in those parts will be suddenly and perceivedly strengthened and enabled; and by this kind of War you lend no Coin out of the Land, you issue nothing but Beef, Mutton, and Powder, and the Kingdom is not impoverished, but may make good Returns.

*diversion.*

C Object. 11. But where is the Enemy?

D Answ. Make the Fleet ready to go out, and the King bids you name the Enemy your selves; put the Sword into his Majesty's hands, and he will improve it to your honor, and the good of Religion; as you issue nothing that is loss, so you will bring home something that is gain, and henceforward maintain the War by the perquisites thereof; make but once an entrance, it may afterwards be maintained with profit; when the Enemy is declared, you may have Letters of Mart, none shall be denied: I have not been so idle, but I shall make Propositions of advantage, whether your selves may go, and shall have the honey of the business.

August 9. 1625.

E After the Commons returned from the House of Lords, they made Report of this business unto the House, which occasioned variety of opinions: Some were for giving the King present Supply, who had made so gracious an Answer to the Petition for Religion, and given direction, that the same should be inrolled; pressing further, That this Supply was not for the King's own particular Wants, but for the Honour and Defence of the Kingdom; and that it may prove dangerous not to comply with the King in a modest and just desire.

The Dukes Relation occasioned variety of opinions in Parliament.

F Others were of a contrary mind, and said, It was requisite to present to his Majesty, the means how he may live glorious at home, and how he may be feared abroad, by having his designs better managed, and an Enemy declared: Then may spurs be added to the Sea-horse, and the King of Spain infested at a lesser charge, and we better secured from Papists at home, whose hearts are knit with the Spaniards, and whose Estates may liberally contribute to the War; and the great Sums given for Honours and Offices, would go far in setting forth a Fleet at Sea, and the Subject not be always importuned for Supply. But the further debate of this business was put off till the next day, being Wednesday, the 10th of August.

An. 1625.  
The King's  
Message to the  
Commons.

The next day, the King sends a Message to the Commons, wherein he takes notice, that the House intended to enter into Consideration of divers Heads concerning the King and the Common-wealth, that he was pleased with their good intentions; but desired them to consider his affairs, which require a speedy dispatch; the season of the year was far spent, yet the time not unseasonable for the Design; that if the Plague should happen in the Navy, the Action would be lost; that if any of the House should be touched with the Sickness, much inconvenience would ensue by an abrupt breaking up, therefore desires a present Answer about Supply; if not, he will take more care of the Commons than they will of themselves, and will make as good a shift for himself as he can, to go through with this present occasion, and offered, that the Parliament should meet again in Winter, at what time they please, upon his Royal Word, and hold together till they have perfected all things, for the good of the Common-wealth, and the King, which are now in conception: and desires them to consider, it was the first Request that ever he made unto them.

Debates upon  
the King's  
Message.

Hereupon, some earnestly pressed the giving of two Subsidies, and two Fifteens, his Majesty's Honour, and the necessity of his Affairs requiring it, as it appeared out of Considerations already frequently represented.

Others replied, That *Necessity* is a dangerous Counsellor, and is a continual Argument of Supplies in all Parliaments; that those Counsellors who have put the King and Kingdom into such a necessity and hazard, ought to answer for it, whosoever they be; that if the state of things will not admit a Redress of Grievances, surely there is not so much necessity for money; to give Subsidy upon Subsidy in one Parliament is not usual; in the Eighteenth year of *Henry the Third*, there was one punished for pressing of more Subsidies, when Subsidies had been granted before in that Parliament. In the end it was proposed, that a Report be made to the King, that they have regard to his Honour, Necessity and Safety, and the safety of the Kingdom, and that they will assist his Majesty in any honourable Action, grounded upon sound Councils; and that something be drawn up in writing to that purpose: Accordingly the House agreed upon a short Declaration, which was assented unto without a Negative.

The Com-  
mons Decla-  
ration.

**V**VE the Knights, Citizens, and Burgesses of the Commons House of Parliament, being the representative Body of the whole Commons of this Realm, abundantly comforted in his Majesty's late gracious Answer touching Religion, and his Message for the care of our health, do solemnly protest and vow before God and the World, with one heart and voice, that we are all resolved, and do hereby declare, that we will ever continue most loyal and obedient Subjects to our most gracious Sovereign Lord King Charles; and that we will be ready, in convenient time, and in a Parliamentary way, freely and dutifully to do our utmost endeavours, to discover and reform the Abuses and Grievances of the Realm and State, and in like sort to afford all necessary Supply to his most Excellent Majesty, upon his present, and all other his just Occasions and Designs; most humbly beseeching our said Dear and Dread Sovereign, in his Princely wisdom and goodness, to rest assured of the true and hearty affections of his poor Commons, and to esteem the same to be (as we conceive it is indeed) the greatest worldly reputation and security that a just King can have:

have ; and to accompt all such as slanderers of the peoples affections, and enemies to the Common-wealth, that shall dare to say the contrary.

This Declaration was sent to the King by such of the Privy Council, as were Members of the House.

Notwithstanding, the King perceiving the House resolved against Supply, without redress of Grievances, and in their Debates to reflect upon some great Persons near unto him ; the 12th of August sent to the House of Peers a Commission, directed to several Lords, for the dissolution of the Parliament : whereupon the Gentleman-Usher was commanded to signify to the Speaker of the House of Commons, that the Lords had received his Majesty's Commission, which was read unto both Houses ; whereupon the Commons with their Speaker, went up presently to the Lords, heard the Commission read, and the Parliament declared to be dissolved.

I Caroli.

The Parlia-  
ment dissolv'd.

A

At this Parliament, begun and holden by Prorogation at Westminster, the 18th day of June, Anno Regis Caroli Primo, 1625. these Acts were passed.

C

1. A N Act for the punishing of divers abuses committed on the Lords day, commonly called Sunday.
2. An Act to enable the King to make Leases of Lands, parcel of the Dutchy of Cornwall.
3. An An for the ease of obtaining Licenses of Alienation, and in the pleading of Alienations with Licence, or of Pardons of Alienations without Licence in the Court of Exchequer, or else-where.
4. An Act to restrain Tipping in Inns and Ale-houses.
5. An Act for the Subsidy of the Clergy.
6. An Act for the two Subsidies of the Temporality.
7. An Act, that this Session of Parliament shall not determine by his Majesty's Assent to this and some other Acts.
8. An Act to confirm an Agreement between the King and the Copy-holders of Macclesfield in Com. Cestr. &c.
9. An Act for the settlement of an Agreement of the Tenants of Chelvenham and Abby, alias Charlton, between the King and Sir Giles Grival Knight.

In the first  
Clergy.

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The Parliament being dissolved, the King followed his design of War, and resolved that the Fleet should speedily put out to Sea ; he also entered into a League with the United Provinces, against the Emperor and the King of Spain, for restoring the Liberties of Germany. The States, by their Ambassadors, sought this Union, and the D. of Buckingham, with the Earl of Holland, were sent to the Hague, to conclude the same, as also to comfort the King's distressed Sister with hopes of a Restitution

The King fol-  
lows his de-  
sign of War.

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Soon after, his Majesty issued forth a Proclamation, whereby he commanded the return, within limited time, of all such Children of Noblemen, and other his natural Subjects, who were now breeding up in Schools and Seminaries, and other Houses of the Popish Religion, beyond the Seas : That their Parents, Tutors, and Governors take present order to recall them home, and to provide that they return by

The King's  
Proclamation  
to recall home  
children of  
Recusants.

An. 1625.

the day prefift, at the utmost severity of his Majesty's Justice; and he commanded further, That no Bishop, Priest, or any other person, having taken Orders under any Authority derived from the See of Rome, do presume to confer Ecclesiastical Orders, or exercise Ecclesiastical Function or Jurisdiction towards any of his natural Subjects in any of his Dominions; and that all Statutes in force be put in due execution against Jesuites, Seminaries, and others in Popish Orders, prefixing a day for their departure out of his Dominions, not to return again upon the severest penalties of the Law.

In the time of the late King, very many of the natural Subjects of these Dominions had, by publick permission, betaken themselves to the service of the Emperor, the King of Spain, and Arch-dutchess of the Low-Countreys; and by this means they fought against others of their Countrey-men that were employed by the States of the United Provinces, and on the behalf of the exiled Palatine: But now the King foreseeing how improper and unnatural it were, that his own natural Subjects should, upon any occasion or accident, draw their Swords one against the other, or any of them against their own Sovereign, did, by advice of his Privy Council, straitly command all those his Subjects, who were under the Pay of the Emperor, the King of Spain, or Arch-dutchess, speedily to return to their Native Countreys, where they should be received and employed, as occasion served, according to their several qualities.

The dissolution of the Parliament preventing the Act of Subsidies, the King drew Supplies from the People, by borrowing of Persons able to lend, such competent sums of money, as might discharge the present occasions; accordingly he directed Letters of the following tenor to the Lords Lieutenants of the Counties.

### Right Trusty and Well-beloved, &c.

*loan q' mon*  
The King's  
Letter to the  
Lieutenants  
for the Loan of  
Money upon  
Privy-Seals.

**I**T hath been so usual a thing for Kings and Princes of this Realm, to make use of their Subjects good affections, by borrowing some such competent sums of Money of Persons able to lend, as might supply those present occasions for publick Service, which cannot attend that length of time wherein it can be raised by Contribution by the generality of our Subjects: As we have not onely present occasion to make the like Trial, by borrowing from some private Gentlemen and others, but also of your sincerity and endeavours in furtherance of the service; that is to say, in taking some course, either out of your own knowledge and experience, or by any other means or instruments which you like best, to make collection of as many Persons names within the County wherein you are Lieutenant, as may be of ability to furnish us with several Sums at this time; and therefore to return in a Book, both the Names of the Persons, their Dwellings, and what Sums you think they may spare; that we may thereupon direct our Privy-Seals unto them, according to the form of this inclosed.

And for your further instruction in this case, on whose trust we do so much repose, we wish you to advise herein with your Deputy Lieutenant, as those from whom we have special cause to promise our selves all good Offices of Duty and Affection: To which we must add thus much further, That we do not intend at this time to deal with any Nobleman; neither are you to deal with any of the Clergy; because we have reserved that direction to the Metropolitans of the several Provinces, to proceed only with some special persons

I Caro.

VV

persons that are known to be men of wealth and ability, and not merely subsisting upon those Livings, which, in most places, are far inferior to that Maintenance we could wish them. By which course and consideration of ours, though you may perceive how much we desire to procure this Loan without inconvenience to any, which is onely intended for the service of the Publick, yet must we assure you, that we had no greater cause at any time than now, to make use of your integrity and industry, in respect of your election of the Lenders, and of your constant demonstration, both of diligence and affection to the service. Having now delivered unto you as much as for the present can be expected from us, we will refer you for any further direction unto our Privy-Council, as hereafter occasion shall require: To whom our pleasure is, you do return your Certificates in manner and forme as is aforesaid, at the moxt within Twenty days after the receipt of these our Letters. Given at, &c.

The Comptroller of the King's Household, by the Council's Order, issued forth Letters in the King's name, under the Privy-seal, to the several persons returned for the Loan of Money, in form as followeth.

Trusty and Well-beloved, &c.

**H**aving observed in the Presidents and Customs of former times, that all the Kings and Queens of this Realm, upon extraordinary occasions, have used either to resort to those Contributions which arise from the generality of Subjects, or to the private helps of some well-affected in particular by way of Loan: In the former of which courses, as we have no doubt of the love and affection of our People, when they shall again assemble in Parliament; so for the present we are enforced to proceed in the latter course, for supply of some portions of Treasure for divers Publick services, which without manifold inconveniences to us and our Kingdom, cannot be deferred. And therefore this being the first time that we have required any thing in this kind, we doubt not but we shall receive such a testimony of your good affection from you (amongst other of our Subjects) and that with such alacrity and readiness, as may make the same so much the more acceptable, especially seeing we require but that sum, which few men would deny a Friend, and have a mind resolved to expose all our earthly fortune for preservation of the general. The sum which we require of you by these Presents is — Which we do promise in the name of Us, our Heirs, and successors, to repay to you or your Assigns within Eighteen moneths after the payment thereof unto the Collector. The person whom we have appointed to Collect it, is

To whose hands we do require you to send it within Twelve days after you have received this Privy-Seal; which together with the Collector's Acquittance, shall be sufficient Warrant unto the Officers of our Receipt, for the repayment thereof at the time limited.

Given at, &c.

Pursuant to this Privy-Seal, the Moneys required were generally according to this proportion following, viz.

For the West-Riding of Yorkshire.

Sir Thomas Wentworth 20 l. Sir Fr. Fuljam 20 l. Sir John Jackson 20 l. Sir Edw. Osburne 30 l. Godfrey Copley Esq; 15 l. Sir Ralph Hansby 15 l. Robert Portington Esq; 10 l. Stephen Bright Esq; 10 l. George Westby Esq; 10 l. Sir John Ramsden 15 l. John Armitage Esq; 15 l. John Vest Esq; 10 l. John Key Esq; 13 l. 10 s. Sir Henry Savil 30 l. Sir John Savil 15 l. Philip Hungate Esq; 15 l. Wid. Armitage 10 l. Ursula Wentworth 10 l. &c.

Privy-Seals  
issued forth to  
certain per-  
sons.

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An. 1625.

The Collectors of this Loan were appointed to pay into the Exchequer the Sums received, and to return the names of such as discovered a disposition to delay or excuse the payment of the Sums imposed.

Amidst the Preparations for War with Spain, the Privy Council issued out Warrants for the disarming of Popish Recusants, grounding their Order upon the Petition of the late Parliament.

Warrants for  
disarming Re-  
cusalants.

A  
**H**is Majesty and we of his Council, having received information from so many several parts, of the bold and impudent speeches used by many Romish Catholicks of this Realm, declaring how much they are offended with the gracious satisfaction given by his Majesty to the Lords and Commons in Parliament, in the points concerning the conservation of true Religion, as it is this day by Authority preached in the Church of England; and having just cause to doubt, that many violent Papists, through the instigation of Jesuited Priests, may be inclined to take part with such, as we well understand at this time practise with the King's Subjects to raise Stirs and Cumulis, which they do not only intent by persuasions and insigations, but with promise of assistance and seconding them with Arms, their pretext being Religion, but their ends Conquest, pushed thereunto by an unlimited Ambition to a General Monarchy, of which we have too large and clear proof: And although we do not misjudge and condemn all his Majesty's Subjects Romish Catholicks, but believe, that many of them will employ their Arms and Lives in his service; yet because we are not able to distinguish between the well and worse-affected, we have concurred with one Advice his Majesty's Princely inclination, following the example of his wise Predecessors of happy Memory and Government, to take out of the possession of all Romish Recusants, convicted or justly suspected, according to the Acts of State heretofore expressed, all such martial Ammunition, Arms, and Weapons, as shall be found in their Houses, or discovered to be in the houses of any other persons, belonging by right to any of the said Romish Recusants; but so, that the said Arms be only taken to be safely kept, and the Property to be reserved to the Owners, according to the former Presidents in like cases.

Letters di-  
rected to  
Lords Recu-  
sants.

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This design proceeded, and the Council directed their Letters to these Lords Recusants, viz. The Marquis of Winchester, and the Lord St. John his Son, Lord Viscount Mountague, Lord Viscount Colchester, Lord Petre, the Earl of Castlehaven, Lord Morley, Lord Vaux, Lord Eures, Lord Arundel of Warder, Lord Tenham, Lord Herbert, Lord Windsor; requiring them to render their Arms and Furniture thereunto belonging, together with all their habiliments of War, to be removed into places convenient, and to remain there till the King shall determine otherwise.

Concourse of  
Papists pre-  
vented

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Moreover the Privy Council having received information from the Lords Lieutenants in divers parts of the Kingdom, That there was great and unaccustomed resort to the Houses of Papists, and that other courses, justly to be suspected, were held amongst them, authorised the Lords Lieutenants to examine the truth and reason of such Assemblies and Entertainment, and of the conveyance and intercourse of Letters; as also to

to enquire and search, if there were any preparation of Men or Arms, or practice of Arms, or endeavours of Alteration among persons discontented with the present Government.

In the mean time, the Fleet was ready, and Ten brave Regiments were designed for this Expedition. The Duke not going in person, Sir Edward Cecil was created Lord Viscount Wimbleton, and made Commander in Chief.

A In the choice of the Officers for this service, Sir Robert Mansel, an experienced Sea-Commander, was neglected, which disgusted the Mariners.

The common Censure that passed both upon the Duke and this Enterprise, may be known by the Lord Cromwell's free Language to the Duke, in this Letter.

I. C. 2. b.  
L. 1. v. 2.

Viscount Wimbleton Commauder in Chief in the Voyage to Cadiz.

B Lord Cromwell's Letter to the Duke touching the Fleet.  
 Hey offer to lay wagers, the Fleet goes not this year; and that of necessity shortly a Parliament must be, which when it comes, sure it will much discontent you. It is wondred at, that since the King did give such great gifts to the Dutchess of Chevereux, and those that then went, how now a small Sum in the Parliament should be called for, at such an unseasonable time. And let the Parliament sit when they will, begin they will where they ended: They say, the Lords of the Council knew nothing of Count Mansfield's Journey, or this Fleet; which discontents even the best sort, if not all. They say, it is a very great burden your Grace takes upon you, since none knows any thing but you: It is conceived, that not letting others bear part of the burden you now bear, it may ruine you, (which Heaven forbid.) Much discourse there is of your Lordship here and there, as I passed home and back; and nothing is more wondred at, than that one grave man is not known to have your ear, except my good and noble Lord Conway. All men say, if you go not with the Fleet, you will suffer in it: because if it prosper, it will be thought no act of yours; and if it succeed ill, they say it might have been better, had not you guided the King: They say, your undertakings in the Kingdom will much prejudice your Grace: And if God bless you not with goodness as to accept kindly what in duty and love I here offer, questionless my duty in letting you know the discourse of the World may much prejudice me. But if I must lose your favour, I had rather lose it for striving to do you good, in letting you know the talk of the wicked World, than for any thing else; so much I heartily desire your prosperity, and to see you trample the ignorant multitude under foot. All I have said is the discourse of the World; and when I am able to judge of Actions, I will freely tell your Lordship my mind: Which when it shall not always incline to serve you, may all Noble thoughts forsake me.

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But whilst the English Fleet was preparing for this Voyage, great reports were given out, that the Spaniard would land Forces upon the Coast of Essex. Wherefore the Earl of Warwick was commanded with Three thousand of the Trained Bands of Essex to secure the Port of Harwich, and Langer-point; which service he performed with much readiness: But upon the blocking up of Dunkirk with Ships belonging to the English, and to the States of the United Provinces, his Lordship was ordered to dismiss his Men.

Lord Cromwell's Letter to the Duke touching the Fleet.

The Earl of Warwick secures Langer-point in Essex.

Presently after, Advertisements came to the Council, that both the English and Dutch Ships designed to block up Dunkirk, whilst our Fleet was gone to Spain, were dispersed by a sudden Storm; and that Two and Twenty Ships of Dunkirk, Men of War, having Four thousand Land-soldiers,

English and Dutch Fleet before Dunkirk dispersed by a Storm.

An. 1625.

Soldiers were at liberty to rove up and down, and to do mischief at Sea. Hereupon the Council, by their Letters to the Lords Lieutenants of the Counties upon the Sea-coasts, required, that the Trained Bands be in readiness with compleat Armour and other furniture, to march upon all Alarms to what place soever the necessary defence thereof shall require. Also upon intelligence, that these Two and twenty *Dunkirkers* intended to land their Four thousand men in *Ireland*, in case their design failed as to *England*; Letters were expedited to the Lord Deputy of *Ireland* to guard those Sea-coasts; for that it were alike mischievous, if they should land in either Kingdom.

In the beginning of *October*, the Fleet, consisting of Eighty Ships, great and small, the *Ann-Royal*, a Ship of Twelve hundred Tun, being Admiral, put forth from *Plimouth* for the Coasts of *Spain*, with these Regiments aboard the Fleet, according as we find it mentioned in an old List; viz.

The Duke of *Buckingham's*,  
The Lord *Wimbleton's*,  
Sir *William St. Leger's* (Sergeant-Major General) and  
Colonel *Burrough's* Regiments  
were shipped in the Admiral's Squadron, which carried 2093 Sea-men, and 4032 Land-soldiers.

The Lord *Valentia's* Regiment,  
The Earl of *Essex's*, and  
Colonel *Harwood's*

were shipped in the Vice-Admiral's Squadron, carrying 1765 Seamen, and 3008 Land-soldiers. The Earl of *Essex* was Vice-admiral, and commanded this Squadron.

Sir *Charles Rich* his Regiment,  
Sir *Edward Conway's*, and  
Colonel      Regiments were  
shipped in the Rear-Admiral's Squadron, carrying 1833 Mariners, 2998 Soldiers.

The Fleet, after four days Sail, was encountring with a furious Storm, which so dissipated the Ships, that of Fourscore, no less than Fifty were missing for seven days. Afterwards they all came together upon the Coasts of *Spain*, where they found a Conquest ready, the Spanish shipping in the Bay of *Cadez*, the taking whereof was granted feasible and easie, and would have satisfied the Voyage both in point of Honor and Profit: This was either neglected, or attempted preposterously. Then the Army landed, and Sir *John Burroughs* took a Fort from the Spaniard; but the Soldiers finding good store of Spanish Wines, abused themselves, and hazarded the ruine of all (had the Enemy known in what condition they were) notwithstanding all commands to the contrary. So they were presently shipp'd again; and the General putting to Sea, intended to wait about Twenty days for the Plate-Fleet, which was daily expected from the *West-Indies*: But the evil condition of his Men, by reason of a general Contagion, enforced him to abandon the hopes of this great Prize. So the English having effected nothing, returned home with dishonor in *November* following.

It gave no small occasion of clamour, That a Fleet so well provided and manned, should land their Men in an Enemies Countrey, and return without some honourable Action. But where the fault lay, hath not been yet adjudged; neither was any yet punished for failing in that duty. The General, for some time, was not admitted into the King's presence, and some of the Colonels of his Army accused him, and some Seamen aggravated the accusation: The General was examined before the Council, and

The General  
exam'd be-  
fore the  
Council.

and laid the fault on others in the Fleet, who let the King of Spain's Ships pass without fighting them according to Order : They on the other hand say, They had no Order from their General to fight. Thus were there fending and proving, which contributed little to save the dishonor which the Nation sustained by this unprofitable and ill-managed Design.

I Caroli.

A Upon the Fleets return to Plymouth, in December, and Consideration of the present use of the Soldiers therein employed, a Proclamation issued forth to command, that no Soldiers of the Fleet should depart from their Colours, or be discharged of their service, till the King shall signify his pleasure, how and when he will use their further service. So the Forces that returned from Cadiz were kept on foot, and dispersed into several parts of the Kingdom.

The Soldiers commanded not to Disband.

B There was also a strict commandment, that no Subject of this Realm of England shall have intercourse of Trade with any of the Dominions of the King of Spain, or the Arch-Duchesses of Flanders, upon pain of Confiscation both of Ships and Goods that shall be found upon Voyage of Trade into any of the said Dominions. Moreover, in regard of the Subjects apparent danger, and the encouragement of the Enemies of this State, by putting Ships to Sea, being weakly manned and ill-furnished, the King ordained that none should set forth any Ship or Pinnace of the burthen of Threescore Tuns or upwards, unless they furnish the same with serviceable Muskets and Bandoliers, sufficient for the arming of halfe the number of persons that sail therein, together with a quantity of Ammunition answerable to the length of their intended Voyage.

Trade prohibited with Spain.

C Furthermore, for the instructing and exercising of the Trained-Bands as well Officers as Soldiers, by Men experienced in Military Exercises, The King gave Commandment, that divers Low-Countrey Soldiers should be assigned to the several Counties, and that the Trained-Bands should be ready at the times appointed, for their Directions in their Postures and use of Arms.

Train-Bands exercised.

D The Plague still continuing in London and Westminster, and the places near adjoining, the King to prevent a general Infection, had adjourned a part of Michaelmas Term from the 1st thereof, to the fourth Return, and afterwards to the fifth, and then the residue of the Term from the City of Westminster; as also the Receipt of the Revenue from Richmond to the Town of Reading in Berkshire. In which Term a Commission issued forth under the Great Seal, for executing the Laws against Recusants, according to the Petition of the late Parliament, which was read in all the Courts of Judicature at Reading : Which Commission, together with pricking of Sir Edward Cook and certain other Gentlemen, Sheriffs, who had appeared the last Parliament against the Duke, and being Sheriffs, could not be chosen Parliament-men, gave occasion of discourse, and hopes of a new Parliament.

Part of Michaelmas Term Adjourned.

The Term at Reading.

Hopes of a Parliament.

F At Hampton-Court in December following, this ensuing Order was made.

**V**hereas four Articles concerning the Oath used to be taken by the High Sheriffs of Counties, were this day presented unto the Board; unto which Articles Sir Edward Cook Knight, at this present High Sheriff of the County of Bucks did upon tender of the Oath unto him, take Exceptions, and sent his Exceptions.

Sir Edward Cook High Sheriff, his exceptions to the Sheriff's Oath.

An. 1625.

ceptions, and the Reasons thereof in writing, to Dr. Attorney-General, who, by direction of the Board, did attend all the Judges of England, to receive their advice thereupon; and the said Judges having advised whereof, did, with one unanimous consent, Resolve, and so report to the Lord Keeper, That they found no cause to alter the said Oath, but only in one of the said Articles hereafter mentioned. It is thereupon this day ordered by their Lordships, according to the unanimous Advice of all the Judges of England, and his Majesties pleasure signified therein; That the first Article propounded, viz. You shall do all your pain and diligence to destroy and make to cease all manner of Heresies and Errors, commonly called Lollaries within your Bayliwick from time to time, to all your power; and assist and be helping to all Ordinaries and Commissioners of the Holy Church, and favour and maintain them as oftentimes as you shall be required, shall be left out in the Oath to be given to Sir Edward Cook, and shall ever hereafter be left out in all Oaths to be given to the High Sheriffs of Counties hereafter. And their Lordships do likewise Order, according to the unanimous advice of all the Judges of England, That the other three Articles doubted of, shall stand in the said Oath to be ministered to the said Sir Edward Cook, and to all other High Sheriffs, as heretofore hath been accustomed; and that the Lord Keeper do give Order to such Officers and Clerks in the Court of Chancery, to whom it appertained to make out the Oath for the time to come according to present Order.

The Seal taken from Bishop Williams, sequestred formerly, and given to Sir Thomas Coventry.

A Parliament Summoned.

Recusants to be Excommunicated.

The expectation of a Parliament, gave encouragement to the Bishop of Lincoln (who yet retained the name of *Lord Keeper*, notwithstanding his Sequestration several Moneths before from the presence of the King the Council-Table, and the custody of the Seal) to make an Address to his Majesty for a favourable interpretation of his Actions: But his carriage towards the Duke at the Parliament at Oxford was fresh in memory, where the Bishop told the Duke in Christchurch, upon the Dukes rebuking him, for siding against him, That he was engaged with William Earl of Pembroke, to labour the Redress of the Peoples Grievances, and was resolved to stand upon his own Legs. If that be your resolution (said the Duke) Look you stand fast, and so they parted; and shortly after that he was Sequestred, though the Seal was not disposed from him till the Thirtieth of October; at which time it was given to Sir Thomas Coventry at Hampton-Court, who was that day sworn of the Privy-Council, and sate there and sealed some Writs, and afterwards came to the Term at Reading, and sate there as *Lord Keeper* and heard Causes.

The King being pressed with his own Necessities, and the Cry of the Nation against the fruitless Voyage of Cadiz, summoned a Parliament to meet in February; and before the time of meeting his Majesty enjoyned the Archbishops and Bishops in both Provinces, to proceed against Popish Recusants by Excommunication, and other Censures of the Church, and not to omit any lawful means of bringing them to Publick Justice; especially he recommended to their vigilant care, the unmasking, and repressing of those who were not professed Papists, yet disaffected to the true Religion, and kept cloſe their evil and dangerous affection, and by secret means and slights, did encourage and advance the growth of Popery.

This Command was seconded by a Proclamation, requiring, That all Convicted Papists should, according to the Laws of this Realm, remain

main confined th<sup>t</sup> their dwelling places, or within five miles thereof, unless upon special Licences first obtained in cases necessary.

A Immediately before the Parliament, Bishop *Land* procured the Duke of *Buckingham* to sound the King concerning the Cause, Books, and Tenets of Mr. *Richard Montague*; and understanding by what the Duke collected, That the King had determined within himself to leave him to a Tryal in Parliament, he said, *I seem to understand arising and threatening the Church of England, God for his Mercy, let it be it.*

B About the same time, the King declared his purpose to celebrate the Solemnity of his Coronation on *Candlemas-day* at the Palace of *Westminster*; and required all persons, who by reason of their Offices and Tenures, were bound to perform any Duties at the Solemnity, to give their attendance, and to be furnished in all respects answerable to an action of so high State, according to their places and dignities. Wherefore by a Commission under the Great Seal of *England*, Sir *Thomas Coventry* Lord Keeper of the great Seal, James Lord *Say* High Treasurer of *England*, Edward Earl of *Worcester*, Keeper of the Privy Seal, Thomas Earl of *Arundel* and *Surry* Earl-Marshal of *England*, William Earl of *Pembroke*, Lord High Chamberlain, Edward Earl of *Dorset*, and Sir *Randal Crew* Chief Justice of the Common-Pleas, were authorized to receive and determine the Claims exhibited by any person concerning Services to be performed at the approaching Coronation.

C And the more to credit the Solemnity, the King resolving to make certain of his Servants and other Subjects, in regard of their Birth, good Service, and other Qualities, Knights of the Bath, authorized Thomas Earl of *Arundel* and *Surrey*, and Earl-Marshal of *England*, William Earl of *Pembroke*, Lord Chamberlain, to perform in His Majesties Name and Behalf, all the Rights and Ceremonies belonging thereto.

D At the same time Writs were directed to all Sheriffs in the Realm of *England*, and Dominions of *Wales*, commanding them to make Proclamation, That all such as had forty pounds a year or more, of Lands or Revenues in their own hands, or the hands of Feoffees, for their use for the space of three years, and are not yet Knights, do at their perils prepare to present themselves in His Majesties presence by the One and thirtieth of *January*, to receive the Order of Knighthood. Of which more in its proper place.

E Upon the asswaging of the great pestilence, through the Mercy and Goodness of God in withdrawing and almost removing the Scourge, the King, by his Royal Authority, ordained a Publick and General Thanksgiving to be celebrated upon the Nine and twentieth of *January*, being the Lords day, in the Cities of *London* and *Westminster*, and the places adjacent; and on the Nineteenth of *February* in all other places of the Kingdom; the manner and form whereof, was prescribed by a Book composed by the Bishops according to his Majesties Direction.

F The Contagion ceasing, the restraint enjoyned to the Citizens of *London* from resorting to Fairs for a time, was taken off.

The number of those that died this year within and without the Walls of the City of *London*, and in the Liberties, and Nine out Parishes, from the Sixteenth of *December*, 24. to the Fifteenth of *December*, 25. was in total, Fifty four thousand two hundred sixty and five, whereof the Plague Thirty five thousand four hundred and seventeen.

On *Candlemas-day* King *Charles* was Crowned; Bishop *Land* had the chief

i Carol.

The King resolved to leave Mr. Montague to the Parliament.

Preparations for the Kings Coronation.

A Proclamation for all that have Forty pound per annum, to come and receive the Order of Knighthood.

*Called to be Knighted as had 40-*

A Thanksgiving for the Plague ceasing

Number of those who died of the Plague.

*Died of the Plague-*

A.D. 1625.

The Ceremo-  
nies at the  
Kings Coro-  
nation.

chief hand in compiling the form of the Coronation, and had the honor to perform this Solemnity, instead of the late Lord Keeper *Williams*, who (through the Kings disfavour,) was sequestred from this Service, which belonged to his place as he was Dean of *Westminster*. Mr. *John Cosens* (as Master of the Ecclesiastical Ceremonies) kneeled behind the Bishop when the Prayers were read, and directed the Quire when to answer. The Ceremony in going to, and all the Coronation was briefly thus.

**T**He King went that day from *Westminster-Hall* to the *Abby-Church*, attended by the Aldermen of *London*, Eighty Knights of the *Bath*, in their Robes, the Kings Serjeants at Law, Solicitor and Attorney-Generals, the Judges, Barons, Bishops, Viccounts, and such of the Earls (who bore no particular Office that day) in their Parliament Robes, going two by two before the King all uncovered; and after them followed his Officers of State (being eight Earls and one Marquess) those persons according to their respective Places and Offices carried the Swords, the Globe, the Scepter, the Crown; and the Lord Mayor of *London* carried the short Scepter, two Bishops carried, the one the Golden Cup, and the other the Plate for the Communion. Next before his Majesty went the Earl of *Arundel* as Earl-Marshal of *England*, and the Duke of *Buckingham* as Lord High Constable of *England* for that day. The King being clothed in White Sattin, went under a rich Canopy, supported by the Barons of the Cinque-Ports, the King having on each hand a Bishop, and his Train of Purple Velvet was carried up by the Master of the Robes, and the Master of the Wardrobe. At the entring into the Church, Bishop *Laud* delivered into the Kings hands, the staff of King *Edward the Confessor*, with which the King walked up to the Throne; then the Archbishop of *Canterbury* presented his Majesty to the Lords and Commons there present, East, West, North, and South, who gave their consent to his Coronation, as their lawful Sovereign. After Sermon was done the King went to the Altar (where the Old Crucifix, amongst other Regalia, stood; as also the Ointment Consecrated by a Bishop) to take the Coronation Oath, which (as is said) was performed in this manner, *viz.*

Archbishop P.  
P.

**S**I R, (says the Archbishop) will you grant and keep, and by your Oath confirm to the People of *England*, the Laws and Customs to them granted by the Kings of *England*, your Lawful and Religious Predecessors and namely the Laws, Customs, and Franchises, granted to the Clergy by the Glorious King *St. Edward* your Predecessor, according to the Laws of God, the true profession of the Gospel established in this Kingdom, agreeable to the Prerogative for the Kings hereof, and the antient Customs of the Realm:

I Grant and Promise to keep them.

**S**ir, will you keep Peace and Godly agreement (according to your Power) both to God, the Holy Church, the Clergy and the People? I will keep it.

**S**ir, will you (to your Power) cause Law, Justice, and Discretion to Mercy and Truth, to be executed to your Judgment? I will.

**S**ir, will you grant to hold and keep the Laws and Rightful Customs which the Commonalty of this your Kingdom have; and will you defend and uphold them to the honor of God, so much as in you lyeth?

I Grant and Promise so to do.

The Kings An-  
swer.

Then

Then one of the Bishops read this passage to the King.

*Our Lord and King, we beseech you to Pardon and to Grant, and to Preserve unto us, and to the Churches committed to Your Charge, all Canonical Priviledges, and do Law and Justice; and that You would Protect and Defend us, as every good King to his Kingdoms ought to be Protector and Defender of the Bishops, and the Churches under their Government.*

i Carol.

A The King answereth.

With a willing and devout Heart I promise, and grant my Pardon; and that I will preserve and maintain to you, and the Churches committed to your Charge, all Canonical Priviledges, and due Law and Justice and that I will be your Protector and Defender to my Power, by the assistance of God, as every good King in his Kingdom in right ought to protect and defend the Bishops and Churches under their Government.

B Then the King arose and was led to the Communion-Table, where he takes a Solemn Oath in sight of all the People, to observe all the Premisses, and laying his Hand upon the Bible, said,

The things which I have here promised, I shall perform and keep;  
*So help me God and the Contents of this Book.*

C After the Oath, the King was placed in the Chair of Coronation, and was Anointed by the Archbishop with a costly Ointment, and the antient Robes of King *Edward* the Confessor was put upon him, and the Crown of King *Edward* was put upon his Head, and his Sword girt about him; and he offered the same, and two Swords more, together with Gold and Silver at the Communion Table. He was afterwards conducted by the Nobility to the Throne, where this Passage was read to his Majesty.

D [ *S: and and hold fast from henceforth the Place, to which you have been Heir by the Succession of Your Forefathers, being now delivered to You by the Authority of Almighty God, and by the hands of us, and all the Bishops and Servants of God: And as you see the Clergy to come nearer the Altar than others, so remember that (in all places convenient) You give them greater honor, that the Mediator of God and Man may establish you in the Kingly Throne to be a Mediator betwixt the Clergy and the Laity; and that you may Reign for ever with Jesus Christ, the King of Kings, and Lord of Lords.]*

E Afterwards the Nobility were sworn to be Homagers to the King, and some other Ceremonies were performed; which being done, the Lord Keeper by the Kings Command read a Writing unto them, which declared the Kings free pardon to all his Subjects who would take the same under the Great Seal.

F The Ceremonies of the Coronation being ended, the *Regalia* were offered at the Altar by Bishop *Laud* in the Kings Name, and then repositored.

The Bishop of *Lincoln* fallen into disgrace by the displeasure of the Duke of *Buckingham*, had not received his Writ of Summons which he represented to the King with submission to His Majesties pleasure (denied as he said, to no Prisoners or condemned Peers in his Fathers Reign) to enable him to make his Proxy, if his Personal attendance be not permitted. Likewise he besought his Majesty, That he would be pleased to mitigate the Dukes causeless anger towards him, who was so little satisfied with any thing he could do or suffer, that he had no means

left

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A Second  
Parliament  
meets.The Lord  
Keepers  
Speech.

left to appease him, but his Prayers to God and his Sacred Majesty : Also, that in his absence in this Parliament, no use might be made of his Majesties Sacred Name to wound the Reputation of a poor Bishop, who besides his Religion and Duty to that Divine Character which his Majesty beareth, hath affectionately honoured his very Person above all Objects in this World ; as he desired the Salvation of the World to come ; And he craveth no Protection against any other Accuser or Accusation whatsoever.

On Monday the sixth of February, began the Second Parliament of the Kings Reign.

The King being placed in his Royal Throne, the Lords in their Robes, and the Commons below the Bar, it pleased His Majesty to refer them to the Lord Keeper for what he had to say.

## The Lord Keepers Speech.

*My Lords,*

" **A**nd you the Knights, Citizens and Burgesses of the House of Commons, you are here assembled, by his Majesties Writs and Royal Authority to hold a new Parliament, the General, Antient and powerful Council of this Renowned Kingdom; whereof if we consider aright, and think of that incomparable distance between the Supreme Height and Majesty of a mighty Monarch, and the submissive awe and lowliness of a Loyal Subject, we cannot but receive exceeding comfort and contentment in the frame and constitution of this highest Court; wherein not only the Prelats, Nobles and Grandees, but the Commons of all degrees have their part, and wherein that high Majesty doth descend to admit, or rather to invite the humblest of his Subjects to Conference and Council with him, of the great, weighty, and difficult Affairs of the King and Kingdom: a benefit and favor whereof we cannot be too sensible and thankful; for sure I am, that all good hearts would be both sensible and sorrowful, if we did want it; and therefore it behoveth all, with united hearts and minds free from distraction and diversion, to fix their thoughts upon Counsels and Consultations worthy of such an Assembly, remembering, That in it is presented the Majesty and Greatness, the Authority and Power, the Wisdom and Knowledge of this great and famous Nation; and it behoveth us to magnify and bless God, that hath put the power of Assembling Parliaments in the hands of him, the virtue of whose person doth strive with the greatness of his Princely Lineage and Descent, whether he should be accounted *Major* or *Melior*, a greater King, or a better Man; and of whom you have had so much trial and experience, That he doth as affectionately love, as he doth exactly know and understand the true use of Parliaments; witness his daily and unwearied Access to this House, before his Access to the Crown; his Gracious readiness to all Conferences of Importance; his frequent and effectual Intercession to his Blessed Father of never-dying Memory, for the good of the Kingdom, with so happy success, that both this and future generations shall feel it, and have cause to rejoice at the success of his Majesties Intercession. And when the Royal Diadem descended upon himself, presently in the midst of his Tears and Sighs for the departure of his most Dear and Royal Father, in the very first Consultation

A "tion with his Privy Council, was resolved to meet his People in Parliament : And no sooner did the heavy hand of that destroying Angel forbear those deadly strokes, which for some time did make this place inaccessible, but his Majesty presently resolved to recall it, and hath now brought you together, and in a happy time, I trust, to treat and consult with uniform Desires and untied Affections, of those things that concern the general good.

B "And now being thus Assembled, his Majesty hath Commanded me to let you know, that his Love and Affection to the publick, moved him to call this Parliament ; and looking into the danger and the spreading of that late Mortality, and weighing the multitude of his Majesties pressing occasions and urging affairs of State, both at home and abroad, much importing the safety and state of this Kingdom ; the same affection that moved him to call it, doth forbid him to prolong the Sitting of this Parliament : And therefore his Majesty resolving to confine this Meeting to a short time, hath confined me to a short Errand ; and that is, That as a thing most agreeable to the Kingly Office, to the example of the best times, and to the frame of Modern Affairs, his Majesty hath called you together to consult and to advise of provident and good Laws, profitable for the publick, and fitting for the present times and actions ; for upon such depends the assurance of Religion and of Justice, which are the surest Pillars and Butteresses of good Government in a Kingdom : For his Majesty doth consider, that the Royal Throne, on which God out of his Mercy to us hath set him, is the Fountain of all Justice, and that good Laws are the Streams and Quits by which the benefit and use of this Fountain is dispersed to his People and it is his Majesties care and study, that his People may see with comfort and joy of heart, that this Fountain is not dry, but they and their Posterity may rest assured and confident in his time, to receive as ample benefit from this Fountain, by his Majesties Mercy and Justice as ever Subjects did in the time of the most eminent Princes amongst his Noble Progenitors ; wherein, as his Majesty shews himself most sensible of the good of the Publick, so were it an injury to this great and honourable Assembly if it should be but doubted, that they shall not be as sensible of any thing that may add to his Majesties Honor ; which cannot but receive a high degree of Love and Affection, if his Majesty succeeding so many Religious, Wise, and renowned Princes, should begin his Reign with some Additions unto those good Laws which their happy and glorious times have afforded. And this his Majesty hath caused me to desire at this time, especially above others ; for his Majesty having at his Royal Coronation lately solemnized the Sacred Rites of that blessed Marriage between his People and him ; and therein by a most Holy Oath, vowed the Protection of the Laws, and maintainance of Peace, both to Church and People, no time can be so fit for his Majesty to devise and consult at large with his People, as at this present time, wherein so lately his Majesty hath vowed Protection to his People, and they have protested their Allegiance and Service to him.

C "This is the sum of that Charge which I have received from his Majesty to deliver unto you ; wherein you see his Majesties intent to the Publick : And therefore his desire is, That according to that convenience of time which his Affairs may afford, you may apply your selves to dispatch the business of this Parliament.

The

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Sir Heneage  
Finch chosen  
Speaker.

His Speech.

The Wednesday following the Commons presented Sir Heneage Finch Knight, Serjeant at Law, and Recorder of London, for their Speaker; who having made the accustomed excuses, and acknowledged his Majesties Approbation, made this Speech.

**A**nce it hath pleased your Majesty not to admit my humble Excuse,  
 but by your Royal Approbation to crown this Election; after  
 my Heart and Hands first lifted up to God, that hath thus inclined  
 your Royal Heart, I do render my humblest thanks to your Majesty who  
 are pleased to cast so gracious an Eye upon so mean a subject, and to de-  
 scend so low as in a service of this importance, to take me into your  
 Princely Thoughts. And since we all stand for Hundreds and Thou-  
 sands, for Figures and Ciphers, as your Majesty, the Supreme and So-  
 vereign Auditor, shall please to place and value us, and like Coyn to  
 pass, are made current by your Royal Stamp and Impression; only I  
 shall neither disable nor undervalue my self, but with a faithful and  
 chearful heart, apply my self with the best of my strength and abilities,  
 to the performance of this weighty and publick Charge, wherein as I  
 do and shall to the end, most humbly desire your gracious acceptance  
 of my good intentions and endeavours: So I could not but gather some  
 confidence to my self, that your Majesty will look favourably upon  
 the works of your own hands. And in truth besides this particular,  
 these publick things which are obvious to every understanding, are  
 so many Arguments of Comfort and Encouragement where I contem-  
 plate and take a view of those inestimable Blessings, which by the  
 goodness of God, we do enjoy under your Majesties most pious and  
 prudent Government.

**B**If we behold the frame and the face of the Government in general,  
 we live under a Monarchy, the best of Governments, the nearest re-  
 semblance unto the *Divine Majesty* which the Earth affords, the most  
 agreeable to Nature, and that in which other States and Republicks  
 do easily fall and reverse into the Ocean, and are naturally dissolved  
 as into their *Primam Materiam*, The Laws by which we are governed  
 are above any value my words can set upon them; time hath refined  
 and approved them; they are equal at least to any Laws humane, and so  
 curiously framed and fitted, that as we live under a temperate climate,  
 so the Laws are temperate, yielding a due observance to the Preroga-  
 tive-Royal, and yet preserving the Right and Liberty of the Subject;  
 That which *Tacitus* saith of two of the best Emperors, *Res olim insocia-  
 abiles miscuerunt, imperium & libertas*; and so far is this from the least  
 diminution of Sovereigns, that in this your Majesty is truly styled *Pater  
 Patriæ*, and the greatest King in the World, that is King of such and  
 so many free-born Subjects, whose persons you have not only power  
 over, but, which is above the greatest of Kings, to command their  
 hearts. If time or corruption of manners breed any Misfts or  
 Grievance, or discover any defect in the Law, they are soon re-  
 formed by Parliament, the greatest Court of Justice, and the  
 greatest Council of the Kingdom, to which all other Courts and  
 Councils are subordinate. Here your Royal Person still enthroned in  
 the State of Majesty, attended by a Reverend and Learned Prelacy,  
 "a great and full Nobility enthroned like Stars in the Firmament;

" some

1 Caroli.

"some of a great some of a lesser magnitude, full of light and beauty,  
"and acknowledging to whom they owe their lustre; and by a choice  
"number of worthy Knights and Gentlemen, that represent the whole  
"body of your Commons. But to leave generals; We live not under  
"a Monarchy only the best of Governments, and under a Government  
"the best of Monarchies; but under a King the best of Monarchs, Your  
"Royal Person, and those eminent graces and virtues which are inherent  
A "in your person/in whom Greatnes and Goodnes contend for Superi-  
"ority) it were presumption in me to touch, though with never so good  
"a meaning; they will not be bounded within the narrow compass of my  
"discourse: And such Pictures of such a King are not to be made in Limn-  
"ing but for publick things and actions which the least eye may see and  
"discern; and in them obliquely and by reflection chearfully and with  
"comfort behold your Person. What age shall not record and eternise  
B "your Princely magnanimities in that Heroick action or venturous  
"journey into Spain, or hazarding your Person to preserve the Kingdom?  
"Fathers will tell it to their Children in succession; After-ages will then  
"think it a Fable. Your piety to the Memory of your dear Father, in fol-  
"lowing and bedewing his Herse with your tears, is full in every mans  
"memory. The *Publick Humiliation* when Gods hand lay heavy upon us,  
"and the late *Publick Thanksgiving* to Almighry God for removing his  
"hand both commanded and performed in person by your Majesty is a  
"work in piety not to be forgotten, and I trust the Lord will remember  
C "them and reward them with mercy and blessing to your Majesty and  
"the whole Kingdom. Your love to Justice, and your care in the admini-  
"stration of Justice, we all behold with comfort, and rejoice to see it: the  
"great Courts of Justice, from the highest to the lowest furnished with  
"Judges of that wisdom and gravity, learning and integrity: the Thrones  
"of Kings are established by Justice; and may it establish, and I doubt not  
"but it will establish the Throne of your Majesty in your person, and in  
"your Royal Line to the end of time. But above all, and indeed it is  
D "above all as far as Heaven is distant from the Earth, your care and zeal  
"for the advancement of Gods true Religion and Worship, are clearly  
"and fully exprest and do appear both in your Person and by your pub-  
"lick Acts and Edicts. It is true that it is said of Princes *Quod faciunt  
præcipiunt*: of your Majesty both are true, and a Proposition made  
"convertible. We have received a most gracious answer from your Ma-  
"jesty to all our late Petitions concerning Religion, seconded with a  
"Publick Declaration under the Great Seal, and enrolled in all the Courts  
E "of Justice, for your Royal pleasure and direction to awaken and put  
"life into these Laws by a careful execution, with provision that the pe-  
"nalties be not converted to your private Coffers, and yet the Coffers of  
"the Kings are not private coffers, but by your express direction set apart  
"to publick uses, such as concern the immediate Defence of the Kingdom,  
"wherein we all have our share and interest. Your Royal Proclamation  
"hath commanded these Romish Priests and Jesuits to Banishment,  
"those Incendiaries that infect the State of this Church and Com-  
"monwealth. Their very entrance into this Kingdom, is, by a Just and  
"provident Law, made Treason; their aims being in truth (how speci-  
"ous soever their pretences be) nothing else but to plot and contrive  
"Treason against the State, and to seduce your Natural born Subjects  
"from their true obedience nourishing in their posterities Factions  
F "and Seditions: Witness those many Treasons and Conspiracies against

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"the person of that glorious Lady, whose memory will never dye; and  
 "that horrible matchless Conspiracy, the *Powder-Treason*, the Master-  
 "piece of the Devil. But God that preserved her and your Royal Father  
 "against all their treacherous Conspiracies, and hath given you a heart  
 "to honor him, will honor and preserve you: Religion will more truly  
 "keep your Kingdoms, than the Seas do compas them: It is the joy  
 "of heart to your Majesties loyal and well-affected Subjects, and will  
 "ever be the honor of your Regal Diadem, and the Crown of your  
 "Crown. The Spanish invasion in *Eighty Eight* I hope will ever be re-  
 "membred in *England*, with thankful acknowledgment to God for so  
 "great a deliverance: and I assure my self it is remembred in *Spain*,  
 "but with another mind, a mind of Revenge; they are too constant  
 "to their councils, to acquit their Resolutions and purposes that draw  
 "on that Attempt. It was long before discovered, and since Printed not  
 "without their liking, That they effect an Universal Monarchy. *Videor mihi videre* ( faith *Lipsius* of their State ) *Solem orientem ab Occidente*; a Monster in Nature. And one of their own, speaking of the  
 "two great Lights which God had placed in the Firmament, makes the  
 "Pope *Luminare maius presidens urbi & orbi*, and the King of *Spain*,  
 "*Luminare minus ut subdatur urbi & dominetur per totum orbem*: A great  
 "flattery, and a bold and impudent elusion. But I trust, as God hath put  
 "it into the heart of your blessed Father, by the matchless Book of his  
 "written to all Christian Monarchs and Princes ( a work by which he  
 "raised a Monument to himself more lasting then Marble ) to denounce  
 "War to that Adversary of God and Kings, the Pope; so he hath set  
 "your sacred Majesty upon the Throne of your Father, to do as many  
 "things worthy to be written, as he had written things worthy to be  
 "read: amongst them to restrain that unlimited pride and boundless am-  
 "bition of *Spain*, to reduce it to their proper current and Channel, who  
 "under the title of *Catholick King*, makes his pretence to more Countries  
 "and Kingdoms then his own; and by color of disguised Treaties he in-  
 "vades the *Palatinate*, and dispossesseth the Incomparable Lady your  
 "Royal Sister, and the Children of this Kingdom, of their right and their  
 "antient Patrimony and Inheritance, to the discomfort and dishonor of  
 "this great and glorious Nation. God in his Mercy soon repair this  
 "breach by your Royal head; and I assure my self, the hearts the hands,  
 "and the purses of all good Subjects will say *Amen*,

"But I may weary your Majesty, and lose my self, and forget for whom I  
 "am speaker. Custom gives me the Priviledge as an humble Suitor on  
 "the behalf of the House, to present their few Petitions unto your Majesty.

1. "The first, That for our better attending this Publick and impor-  
 "tant service, our selves and our necessary Attendance may with your  
 "Majesties tender allowance be free both in our persons and goods from  
 "Arrest and troubles, according to our Antient Priviledges.

2. "The next; That since for the preparing and drawing to conclusi-  
 "on such Propositions as shall be handled in the House, Debate and  
 "Dispute will be necessary, and by variety of opinions, truth is oftentimes  
 "best discern'd; your Majesty will likewise according to your antient usage  
 "and privilege vouchsafe us liberty and freedom of speech, from which  
 "I assure my self duty and loyalty to your Majesty will never be severed.

3. "That when occasions of moment shall require, your Majesty  
 "upon our humble suit, and at such times as may best sort with your  
 "occasions, will vouchsafe us access to your Royal person.

4. "That

A

B

C

D

E

F

4. "That the Proceedings of the House may receive a favorable Interpretation at your gracious hands, and be free from misconstruction.

I. Caroli.

The Houses began their work with rendering thanks to the King, for his gracious Answer to the late Petition for Religion.

A An act was tendered and read, To administer an Oath for the rendering a true Accomp't of all General and Publick Taxes, Rates, and Collections. Another against Scandalous Ministers. It was moved, some Provision might be made against Scandalous Livings, as well as against Scandalous Ministers.

B The Commons further fell into Examination of the Publick Grievances and the Carriage, or rather Miscarriage of the Fleet to Cadiz; The Evil Counsellors about the King; Misgovernment and Misemployment of the Kings Revenue; An Account of the Subsidies and Three Fifteens granted 21 Jacobi; and resolved of a Committee for secret Affairs, and another for Grievances, to sit every Friday and Wednesday during the Parliament. And Mr. Whidby was commanded to the Chair for the Committee for Grievances, where were delivered these ensuing Consultations.

Grievances taken into consideration.

C I. [The state of the King in the constant Revenue of the Crown.]  
1. What it was, and how for the Introitus and Exitus they are ordered.

Grievances laid open.

2. What now it is, either in clear, or by Lands, by Customs and Impositions, or by Casualties.

3. The means how it is abated, By gifts or by Lands *ex mero motu*, and no valuable consideration, and this may be revoked.

D By grants of Pensions, now 120000*l.* before but 80000*l.* Good Times have resumed them, or Contracted them upon Necessity.

By increase of Household from 45000*l.* to 80000*l.* the Purveyors more, and the Tables less furnished than formerly.

E By fruitless Ambassadors, with larger allowance than formerly: To reduce them to the ordinary of the late Queen.

By treble increase of the Privy-Purse.

By double increase of the Treasury of the Chamber and Great Wardrobe.

In all by not using the best course of Assignments, whereby the Creditors are delayed in the payment, and the King surcharged in the price; the Exchequer-man making his profit from the Kings wants.

## II. [The Condition of the Subject in his Freedom.]

F 1. Formerly in Taxes by Parliaments, as by Subsidies and Fifteens spent only on Defence of the State, or Aid of our Allies; by Tonage and Poundage, employed in Guard of the Seas; Loans rarely, and these employed intirely for the Publick; Imposition by Prerogative of old Customs rated easily by the Book of Rates, if any either limited to time or measure.

2. New Impositions and Monopolies multiplied, and settled to continue by Grants, Customs increased by the new Book of Rates.

Tonage and Poundage levied, though no Act of Parliament, nor Seas guarded; the Times, the Wayes and the Persons that induce these.

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3. The Employment or Wast of the Treasure: What sums have been granted for the Defence of the State, the last Three years; How in particular spent and where; By what Advice, as by the direction of the Council of War appointed by Parliament, by full order of the Council, any other than those, and by whom.

First, Publick Treasury is to be examined.

Secondly The Kings Subjects, how many, and when transported and employed as to the *Palatinate*, Count *Mansfield's* Land soldiers in the last Fleet: the Designs where they were sent; the Council that directed it; the success of the Action, and the Return of the Persons in number, and the Loss.

Thirdly, In ships and Munition our own, the number and quantity employed severally; the Number imbarqued in those ships; and what prejudice and discouragement of Trade; the Council that directed such Imployments; the several success, as at *Algier* and *Cadiz*, Strangers and those Ships either of Allies or Enemies: Allies hired by contract to serve, and now used or taken as Prize; if so, how then delivered and delt withal in Courts of justice; what success hath followed upon Justice done them? as the Arrest of our Goods in *France* and *Germany*, whereby our Merchants are at a stand; the number and true value of the Goods, the accompt thereof made his Majesty or his Officers; the dismissing and discharging any of them, or the goods, *viz.* by whom the Directions, the Pretence, the value of the Goods, the place whither they went.

*Honor of the King*; which as in all other things consists in what formerly hath been done: how formerly we stood a Nation feared, renowned, victorious: We made the *Netherlands* a State, when they were none; Recovered *Henry the Fourth of France* his Kingdom, when he had nothing left but the Town of *Diep*; conquered the Invincible Navy of *Spain*, in *Anno 1588*. took Towns in *Portugal* the year following, and marched one hundred miles upon firm ground; Fired or brought away the Spanish Navy before *Cadiz*, and sack'd the Town, took the Spanish ships daily, and spoiled the Port-towns of the *West-Indies*, never losing but one ship during the Spanish War; reducing the condition of that King from a Fifth Monarchy to so low an ebb, that in one Year he paid Two thousand five hundred Millions of Duckets for interest; so as after he was enforced to beg Treaties of Peace and low Terms at the last Queen-Regents hands.

Spain's King  
Interest paid  
25000000  
Two thousand five  
hundred millions  
of Duckets.

### III. [The cause of the good success then.]

A carriage and readiness to assist their Sovereign in Purse and Person; A wisdom and Gravity of Council, who ordered nothing but by publick Debate, and then assisted with the Military Professors either by Land or Sea of the best repute, and such only employed.

### IV. [In what condition we now stand.]

By the loss of Reputation, by the ill success of the Voyage for *Algier*, in the *Palatinate*, in the expedition with *Mansfield*, in the last to *Cadiz*.

The Reasons are,

The uncheerfulness we have either to adventure our purses or persons, occasioned by a distrust we have of the success, the want of like courses and Councils that were formerly used.

It

I Caroli.

A It was wished, that for every of the Four Heads there were a particular Committee to examine and prepare a Report for the Houses ; and the House upon every Report to put it self into a Committee of the whole Assembly, and after a full and deliberate Debate, to order a Model or Form for a Conference with the Lords, and so together humbly to present to his Majesty a Remonstrance of their Labour ; offering withal a second Consultation and Debate amongst themselves for finding out the fittest means both for the Defence of the State and our Allies, Reformation of the Errors, and constant way to raise such supplies as may enable his Majesty to proceed cheerfully, and as they hope assuredly in this his Glorious Actions, not only for himself and State, but all that profess the same Religion, and are like to be overwhelmed in the Ambition of the Spanish Monarch.

B Also a Committee was named concerning Religion, and the growth of Popery ; and Montague's [ *Appeal to Caesar* ] was again brought in question.

C This Book the Commons referred to the Committee for Religion, from whom Mr. Pym Reported to the House the several Erroneous Opinions therein contained ; and the House passed their Votes thereupon, That Mr. Montague endeavored to reconcile England to Rome, and to alienate the King's affections from his well-affectioned Subjects.

The Articles exhibited against him were these ;

### C Articles exhibited by the Commons against Richard Montague Clerk.

D E F G H I J K L M N O P Q R S T U V W X Y Z

**T**HAT he the said *Richard Montague*, in or about the 21, year of the Reign of our late Sovereign Lord King *James* of famous memory, hath caused to be Printed, and in his name to be Published, one Book called, *An answer to the late Gagg of Protestants* ; and in or about Anno 22. of the same King, he caused to be Printed and Published, one other Book, Entituled, *A Tratise of the Invocation of Saints* ; and likewise in the First year of his Majesties Reign that now is, he procured to be Printed, and in his name to be published another Book Entituled, *An Appeal to Caesar* : In every of which Books he hath maintained and confirmed some Doctrine contrary or repugnant to the Articles agreed by the Archbishops and Bishops of both Provinces, and the whole Clergy, holden in the Convocation at London, Anno Domini 1562. according to the computation of the Church of England, for avoiding Diversity of Opinions and for establishing Consent touching true Religion : All which appears in the places hereafter mentioned ; and in divers other places and passages of the same Books ; and by his so doing hath so broken the Laws and Statutes of this Realm in that case provided, and very much disturbed both the Peace of Church and Commonwealth.

Articles a-  
gainst Mr.  
Montague.

I. Whereas in the Five and thirtieth Article of the Articles aforementioned, it is declared, That the second Book of Homilies doth contain a Godly and wholesome Doctrine ; in the sixteenth Homily of which Book it is determined, that the Church of *Rome*, as it is at present, and hath been for the space of nine hundred years and odd, is far wide from the nature of a True Church, that nothing can be more. He the said *Richard Montague*, in several places in the said Books called,

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An. 1625.

*The answer to the Gagg* and in his other Book, called *The Appeal*, doth advisedly maintain and affirm, That the Church of *Rome* is and ever was, a True Church, since it was a Church.

I I. Whereas in the same Homily, it is likewise declared, That the Church of *Rome* is not built upon the Foundation of the Prophets and Apostles; and in the Eight and twentieth Article of the said Articles, That Transubstantiation overthroweth the nature of a Sacrament; and in the Five and twentieth of the same Article; that Five other reputed Sacraments of the Church of *Rome*, are not to be accounted Sacraments; yet contrary and repugnant hereunto, he, the said *Richard Montague*, doth maintain and affirm in his Book aforesaid, called *The answer to the Gagg*, That the Church of *Rome* hath ever remained firm upon the same Foundation of Sacraments and Doctrine, instituted by God.

III. In the nineteenth of the same Article, it is further determined, That the Church of *Rome* hath erred, not only in their living and matters of Ceremony, but also in matters of Faith. He the said *Richard Montague*, speaking of those points which belong to Faith and good Manners, Hope and Charity, doth in the said Book, called *The Gagg*, affirm and maintain, that none of these are controverted in their Points, meaning the Protestants and Papists; and notwithstanding, that in the One and thirtieth Article, it is resolved, that the Sacrifice of Masses, in which, as it is commonly said, The Priests did offer Christ for the Quick and the Dead, to have remission of pain and Guilt too, is a Blasphemous Fable, and dangerous Deceit; this being one of the Points controverted between the Church of *England* and the Church of *Rome*. The said *Richard Montague* in his Book called *The Gagg*, doth a firm and maintain, that the controverted Points are of a lesser and interiour nature, of which a man may be ignorant without any danger of his Soul at all; a man may resolve to oppose this or that without peril of perishing for ever.

IV. Whereas in the second Homily, Entituled *Against Peril of Idolatry* contained in the aforesaid Book of Homilies, and approved by the seven and thireth Article aforementioned; it is declared, That Images teach no good Lesson, neither of God nor Godliness, but all Error and Wickedness: he the said *Richard Montague*, in the Book of *Gagg* aforesaid, doth affirm and maintain, That Images may be used for the Instrustion of the Ignorant, and excitation of Devotion.

V. That in the same Homily, it is plainly expressed, That the attributing the defence of certain Countries to Saints, is a spoiling God of his honor, and that such Saints are but *di tutelares* of the gentiles Idolators: The said *Richard Montague* hath notwithstanding in his said Book, Entituled, *A Treatise concerning the invocation of Saints* affirmed and maintained, That Saints have not only a Memory, but a more peculiar Charge of their Friends; and that it may be admitted, that some Saints have a peculiar Patronage, Custody, Protection, and Power, as Angels also have over certain Persons and Countries by special deputation; and that it is no impiety so to believe: whereas in the seventeenth of the said Articles, it is resolved, That God hath certainly Decreed by his Counsel secret to us, to deliver from Curse and Damnation, those whom he hath chosen

A chosen in Christ out of mankind, and to bring them by Christ to everlasting Salvation; wherefore they which be endued with so excellent benefit of God, be called according to Gods purpose, working in due season, they through grace obey the Calling, they be justified freely, walke religioutly in good works, and at length by Gods Mercy attain to, everlasting felicity: He, the said *Richard Montague*, in the said Book called *The Appeal*, doth maintain and affirm, that men justified may fall away, and depart from the state which once they had; they may arise again and become new men possibly, but not certainly nor necessarily. And the better to countenance this his opinion, he hath in the same Book willfully added, falsified and changed divers words in the sixteenth of the Articles before mentioned and divers other words both in the Book of Homilies, and in the Book of Common-Prayer, and so misrecited, and changed the said places he doth allege in the said Book, called *The Appeal*, endeavoring thereby to lay a most wicked and malicious scandal upon the Church of *England*, as if he did herein differ from the Reformed Churches of *England*, and from the reformed Churches beyond the Seas; and did consent to those pernicious Errors, which are commonly called Arminianism, and which the late famous Queen *Elizabeth*, and King *James* of happy memory, did so piously and diligently labour to supprese.

C That the said *Richard Montague*, contrary to his Duty and Allegiance, hath endeavored to raise great Factions and Divisions in this Commonwealth, by casting the odious and scandalous name of *Puritans* upon such his Majesties loving Subjects as conform themselves to the Doctrine and Ceremony of the Church of *England*; under that name laying upon them divers false and malicious Imputations, so to bring them into jealousie and displeasure with his most Excellent Majesty, and into reproach and ignominy with the rest of the people, to the great danger of Sedition and Disturbance in the State, if it be not timely prevented.

D That the Scope and end of the said *Richard Montague* in the Books before mentioned, is to give encouragement to Popery, and to withdraw his Majesties Subjects from the true Religion established, to the Roman Superstition, and consequently to be reconciled to the See of *Rome*; All which he laboreth by subtle and cunning wayes, whereby Gods true Religion hath been much scandalized, those Mischiefs introduced which the wisdom of many Laws hath endeavored to prevent, the Devices and Practices of his Majesties Enemies have been furthered and advanced, to the great peril and hazard of our Sovereign Lord the King, and of all his Dominions and loving Subjects.

E That the said *Richard Montague* hath inserted into the said Book, called *The Appeal*, divers passages dishonorable to the late King, his Majesties Father of famous memory; full of bitterness, railing and injurious Speeches to other persons, disgraceful and contemptible to many worthy Divines both of this Kingdom, and other reformed Churches beyond the Seas; impious and profane in scoffing at preaching, meditating and conferring Pulpits, Lectures, Bible, and all shew of Religion; all which do aggravate his former Offences, having proceeded from malicious and envenomed heat against the Peace of the Church, and the sincerity of the Reformed Religion publickly professed, and by Law established in this Kingdom. All which Offences, being to the dishonor of God, and of most mischievous effect and consequence against the good of this Church and Commonwealth of *England*, and of other his Majesties Realms

An. 1625.

Realms and Dominions. The Commons assembled in Parliament, do hereby pray, That the said *Richard Montague* may be punished according to his Demerits, in such exemplary manner, as it may deter others from attempting so presumtuously to disturb the Peace of Church and State, and that the Book aforesaid may be suppressed and burnt.

Whether an Answer was made to these Articles by Mr. *Montague*, we cannot tell, upon some search we can find none.

People prohibited for going to Mass at Ambassadors' Houses.

About the same time his Majesty being informed that there was great liberty taken by divers of his Subjects to resort to the hearing of Mass at *Durham-house* in the Lodgings of a Foreign Ambassador; the Privy Council taking notice thereof, and accounting it scandalous to this Church, and of ill example to be suffered at any time, but much more in this time of Parliament, required the Bishop of *Durham* to apprehend such of his Majesties Subjects as should be present at the Mass, and to commit them to Prison.

There was also a Letter sent from the Attorney-General to the Judges of the Circuit, to direct their Proceedings against Recusants, to this effect.

The Attorney's Letter to the Judges concerning Recusants.

**T**HAT their Lordships will not omit to publish the King's Gracious and Religious Determination, to go on really and constantly in this way, and that out of his bounty and goodness he hath published his Resolution under the great Seal of England, that what soever Revenue or Benefit shall arise hereby, from Purses of Popish Recusants, shall be set apart from his own Treasury, and wholly employed for the Service of the Commonwealth, and shall not be dispensed with to any of what degree soever, nor diverted by any of the Suits of his Servants or Subjects.

2. THAT their Lordships will be pleased at their first coming into every County within their Circuit, to command the Clerk of Assise, and Clerk of the Peace, to be careful for the Indictment of Popish Recusants, without respect of Persons, of what Degree of Honor or Office soever; and that they neither make nor suffer to be made any omission, or mistaking in their Indictment, or other proceedings; and that the next Term, within Ten days of the beginning of the Term they give or send to him (viz the Attorney) a note in writing, who stand indicted of new, and that they fail not to certify the Recusants convicted into the Exchequer by that time.

THAT at their Lordships first coming into the Country they call the Justices of Peace then present, and the Grand Jury-men to give their Lordships true Information of the Recusants of any note or Name in that Country; and that thereupon their Lordships will be pleased to take care that the Grand Jury-men, either by Evidence, or their own knowldg, indict them which are not already indicted, before the end of the Assises, and that their Lordships admit no Traverse, unless the Persons convicted have first yielded their bodies into the custody of the Sheriff, as their Lordships know well all the Judges, with one voice, resolved the Law to be.

3. THAT there be special care taken of Schoolmasters and Teachers of any kind who are Popish, that they be presented and proceeded against.

4. THAT their Lordships, give knowldg to the Counties where they sit, that the married Women, who are Popish Recusants, convicted by the Law, ought to be committed to the Common Goal without Bail, unless their husbands redeem their liberty by their constant payment of 10 l. a month, and that it must be executed.

Inner-Temple  
Mar. 7. 1625.

Your Lordships ready to be commanded,  
R.O.B. HEATH.

The

1 Caro. I.

A The Commons proceeded in the Examination of Grievances, and had a report made unto them, That the reason wherefore our Merchants Ships and Goods were seized in *France*, was, by reason of Sir *James Bagg*, Vice-Admiral for *Cornwal*, and other mens dealings towards the French, in seizing upon their Goods in several Ports in *England*, and particularly the seizing the Ship called the *Peter of Newhaven*, and brought into *Plymouth*, by order from the Lord Duke, after the King and Council had ordered this Ship to be restored upon a just claim, and that the Court of Admiralty had also released her. That till this action the *French* did not begin to seize any *English* Goods or Ships: That twenty and three bags of Silver, and eight bags of Gold, were by Sir *Francis Steward*, delivered to the Lord Duke; the Duke having notice hereof, said, He would justify the stay of the Ship by order from the King.

B The Council of War, appointed to manage the business for the relief of the *Palatinate*, were called into the House of Commons, and this Question was propounded unto them: Whether their Advice was followed which they gave for the four ends mentioned in the Act of Parliament, 21 *Jacobi*, for which the Moneys given by that Act were to issue? Lord *Carey Earl of Totnes*, and Lord *Brook*, desired to be excused from answering; the Lord *Vere* said, He had been much absent in the *Low-Countrys*, and could say little. The Lord *Grandison* said, That since *July* last they had seldom met. Sir *Robert Mansel* and Sir *John Ogle* desired a Copy of the Question, and that they might all confer together before they gave Answer to a Question of this concernment. Afterwards the same persons (except the Lord *Vere*) were called in again, who gave unsatisfactory Answers, when they were pressed to deal clearly and fully in the business. It was answered by some of them, That they conceived by the Act of Parliament, they were bound to make no other Answer than what they had done. Others desired before they answered, that they might have the King's consent first; That obtained, and a special Order of the House requiring an Answer, Sir *Robert Mansel* declared his readiness to give a clear and full account.

C While matters were thus debated, Mr. Secretary *Cook* delivered a Message from the King to the Commons, declaring his Majesties occasion for Supply.

D This Message was strengthened by a Conference which the Lords desired with the Commons; where *William Earl of Pembroke* represented the Affairs of *Christendom*, how they stood before the breach of the Treaties with *Spain*, and how at that present; shewing, That the condition of the *Palatinate* was nothing bettered; That Count *Mansfield's Army* was raised for the diversion of the League Catholick in *Germany*; That the King of *Denmark* had thereupon engaged himself to stand or fall in this Quarrel, in case of Supplies; That the *Swedes* were forward; and lastly, That his Majesty had made a strict Alliance with the *Hollanders* upon these Terms, That they shall bear a fourth part of the Expence of our Navy, and only have a fourth part of the Spoils, the Lands and Cities conquered to be the Kings: The Fruits of all rich advantages will be lost, if a speedy assistance be not resolved on.

The Council  
of War for  
the *Palatinate*  
questioned in  
the House of  
Commons.The Earl of  
*Pembroke*, at  
a Conference,  
presseth Sup-  
ply.

An. 1626.  
Reports from  
the Committee  
concerning Evils and  
Remedies.

A Committee  
of the Lords  
House, to con-  
sider of the  
safety of the  
Kingdom.

Communica-  
ted to the  
Commons.

Not well re-  
sented.

The Commons not thinking fit to take into consideration the matter of Supply at present, call for a Report from the Committee appointed to consider of the Causes and Remedies of Evils; which being made by Mr. *Wandeford*, it was resolved, That the Diminution of the Kingdom in Strength and Honour, is a general Evil which we suffer under: A second, the increase and countenancing of *Papists*: A third, the not guarding of the Narrow Seas: A fourth, Plurality of Offices in one hand: A fifth, Sales of Honours and Places of Judicature: A sixth, delivery up of Ships to the French: A seventh, Mis-employment of three Subsidies and three Fifteens, &c. And they further ordered, That the Duke, whom these misdemeanors especially reflected on, have notice, that the Commons House intend suddenly to resume the Debate of these things; and Mr. *Clement Cook* said openly, *That it were better to die by an Enemy, than to suffer at home.*

A  
The Lords at that time, more readily complying with the Kings desires, appointed a Committee to consider of the safety and defence of the Kingdom in general, and particularly of the safeguard of the Seas, the Store of Ammunition and Arms, and all things incident thereunto, and of strengthening the Forts. For this the King gave them thanks, and desired them to proceed with alacrity.

B  
The Committee of Lords made haste, and reported their advice to the House, That presently one Fleet be set to Sea against the King of *Spain*, to annoy him, and to prevent the Invasion of this Kingdom: That another be set out to defend our own Coasts, and the Merchants from Pirates; and that consideration be made of maintaining the Armies under the King of *Denmark* and Count *Mansfield*: but the House would give no opinion thereupon, till they had conference with the House of Commons, which was desired upon this occasion.

C  
To which Message the Commons only returned this Answer, That they desire to have a good correspondency with their Lordships, and will be ever careful of the safety and defence of the Kingdom, and maintain their own Privileges, as is fitting and immediately proceed with the debate concerning the Duke, which was a little interupted, as well by a Letter of the King's to the Speaker, as by a Message delivered by Sir *Richard Weston* touching Supply.

## King Charles to the Speaker.

E  
Trusty and Well-beloved, &c.

F  
The King's  
Letter to the  
Speaker.

G  
**H**aving assembled the Parliament early in the beginning of the year, for the more timely help and advice of Our people in Our great and important Affairs; and having of late, not only by Message, but also of Our Self, put Our House of Commons in mind of our pressing occasions, and of the present estate of Christendom, wherein they have equal interest with Us, as well in respect of their own former engagements, as of the common Cause; We shall not need to tell them with what care and patience We have in the midst of Our necessities attended their Resolutions; but because their unseasonable slowness may produce at home as ill effects as a Denial, and hazard the whole Estate of things abroad; We have thought fit by you the Speaker, to let them know, that, without more loss of time, We look for a full and perfect Answer of what they will give for Our Supply, according to Our expectation and

and their promises; wherein, as we press for nothing beyond the present state and condition of our Subjects, so we accept no less than is proportionable to the greatness and goodness of the Cause; neither do we press them to a present Resolution in this, with a purpose to precipitate their Counsels, much less to enter upon their Priviledges, but to shew that it is unfit to depend any

I Caroli.

A longer upon uncertainties, whereby the whole weight of the Affairs of Christendom may break in upon us upon the sudden, to our dishonor, and the shame of this Nation. And for the business at home, we command you to promise them in our Name, that after they have satisfied us in this our reasonable demand, we shall not only continue them together at this time, so long as the season will permit, but call them shortly again to perfect those necessary busineses which shall be now left undone; and now we shall willingly apply fit and seasonable Remedies to such just Grievances which they shall present unto us in a dutiful and mannerly way, without throwing an ill odor upon our present Government, or upon the Government of our late blessed Father. And if there be yet who desire to find fault, we shall think him the wisest Reprehensor of errors past, who, without reflecting backward, can give us counsel how to settle the present estate of things, and to provide for the future safety and honor of the Kingdom.

C The Heads of Sir Richard Weston's Message, for drawing a more speedy resolution from the House, besides that formerly understood concerning the King of Denmark, Count Mansfield, and his Majesties Army in the Low-Countrys, were these.

D I. That his Majesties Fleet being returned, and the Victuals spent, the men must of necessity be discharged, and their wages paid, or else an assured mutiny will follow, which may be many ways dangerous at this time.

II. That his Majesty hath made ready about forty Ships, to be set forth on a second Voyage, to hinder the Enemy, which want only Victuals and some men, which, without present supply of Money, cannot be set forth and kept together.

III. That the Army which is appointed in every Coast, must presently be disbanded, if they be not presently supplied with Victuals and Cloaths.

E IV. That if the Companies of Ireland, lately sent thither, be not provided for, instead of defending of that Countrey, they will prove the Authors of Rebellion.

F V. That the season of providing healthful Victuals will be past, if this Month be neglected.

Sir Richard  
Weston's Mes-  
sage.

And therefore his Majesty commandeth me to tell you, that he desired to know, without further delaying of time, what supply you will give him for these his present occasions, that he may accordingly frame his Course and Counsel.

Which Message produced this Answer from the Commons,

An. 1626.

## Most Gracious Sovereign,

The Com-  
mons Answer  
to the King's  
Message by Sir  
Richard Pre-  
tious.

**V**Our Majesty's Dutiful and Loyal Subjects, the Commons now assembled in Parliament, in all humility, present unto your Royal wisdom this their Royal Answer to the Message which your Majesty was pleased by the Chancellor of our Exchequer, to send unto them, desiring to know, without any further deferring of time, what Supply they would give to your Majesty, for your present and extraordinary occasions, that you might accordingly frame your Courses and Counsels: First of all, they most humbly beseech your Majesty to know and rest assured, That no King was ever dearer to his People than your Majesty; no People more zealous to maintain and advance the Honour and Greatness of their King, than they; which, as upon all occasions they shall be ready to express, so especially in the support of that Cause, wherein your Majesty and your Allies are now justly engaged. And because they cannot doubt, but your Majesty in your great Wisdom, even out of Justice, and according to the example of your most famous Predecessors, will be pleased graciously to accept the faithful and necessary Information and Advice of your Parliament, which can have no end but the service of your Majesty, and safety of your Realm, in discovering the Causes, and proposing the Remedies of these great Evils, which have occasioned your Majesties wants, and your Peoples Grief.

They therefore, in confidence and full assurance of Redress therein, do, with one consent, propose, (though in former time such course hath been unused) that they really intend to assist and supply your Majesty in such a way, and in so ample a measure, as may make you safe at home, and feared abroad; for the dispatch whereof they will use such diligence, as your Majesties pressing and present occasions shall require.

His Majesty makes this Reply to the Commons Answer.

## Mr. Speaker,

The King's  
Reply.

**T**He Answer of the Commons delivered by you, I like well of, and do take it for a full and satisfactory Answer, and I thank them for it, and I hope you will, with all expedition take a course for performance thereof, the which will turn to your own good as well as mine; but for your Clause therein, of presenting of Grievances, I take that but for a Parenthesis in your Speech, and not a Condition; and yet, for answer to that part, I will tell you, I will be as willing to hear your Grievances, as my Predecessors have been, so that you will apply your selves to redress Grievances, and not to enquire after Grievances. I must let you know, that I will not allow any of my Servants to be questioned amongst you, much less such eminent Place, and near unto me. The old Question was, *Who to be done to the Man whom the King will Honour?* but now it will been the hour of some, to seek what may be done at this instant, when the King thinkes fit to honour. I see you specially aim at the Duke of Buckingham; I wonder what hath so altered your affection, that bids him: I do well remember, that in the last Parliament in my Father's time, when he

A

B

C

D

E

F

A " he was the Instrument to break the Treaties, all of you (and yet I can-  
 " not say all, for I know some of you are changed, but yet the House of  
 " Commons is always the same) did so much honour and respect him,  
 " that all the Honor conferred on him was too little; and what he hath  
 " done since to alter and change your minds, I wot not; but can assure  
 " you, he hath not medled, or done any thing concerning the Publick or  
 " Common-wealth, but by special directions and appointment, and as  
 " my Servant, and is so far from gaining or improving his Estate there-  
 " by, that I verily think he hath rather impaired the same. I would you  
 " would hasten for my Supply, or else it will be worse for your selves;  
 " for, if any ill happen, I think I shall be the last shall feel it.

B Afterwards the Commons fell upon the Duke, as the chief cause of all publick Miscarriages. Doctor Turner, a Physician, propounded in the House these Questions, which were then commonly called *Querries*, against the Duke of Buckingham, and were grounded upon publick Fame.

C 1. Whether the Duke, being Admiral, be not the Cause of the loss of the King's Royalty in the Narrow Seas?

2. Whether the unreasonable, exorbitant, and immense Gifts of Money and Lands bestowed on the Duke and his Kindred, be not the cause of impairing the Kings Revenue, and impoverishing the Crown?

3. Whether the multiplicity of Offices conferred upon the Duke, and others depending upon him, (whereof they were not capable) be not the cause of the evil Government of this Kingdom?

D 4. Whether Recusants in general, by a kind of Connivancy, be not born out and increased, by reason of the Duke's Mother and Father-in-law, being known Papists.

5. Whether the sale of Honours, Offices, and Places of Judicature, and Ecclesiastical Livings and Promotions, (a scandal and hurt to the Kingdom) be not through the Duke?

E 6. Whether the Dukes staying at home, being Admiral and General in the Fleet of the Sea and Land-Army, were not the cause of the bad success and overthrow of that Action; and whether he did give good direction for that Design? (All these are famed to be so.)

F Hereupon two Questions were moved in Parliament.

1. Whether the Six Heads delivered by Doctor Turner, to be the cause of the Evils that were grounded upon common Fame, be to be debated in Parliament?

2. Whether an Accusation upon Common Fame, by a Member of this House, be a Parliamentary-way.

It was declared by Sir Tho. Wentworth, Mr. Noy, and other Lawyers in the Debate, That there was a difference between common Fame and Rumour: For the general voice (*Vox populi*) is common Fame: And if common Fame might not be admitted as an Accuser, Great Men would be the only safe Men; for no private person dare adventure to enquire into their Actions: But the House of Commons is a House of Information and Presentment, but not a House of Definitive Judgment.

So the House came to this Resolution, *That Common Fame is a good ground of Proceeding for this House, either by Enquiry, or presenting the Complaint (if the House finds cause) to the King or Lords.*

I. C. vols.

Doctor Turner's Querries against the Duke.

The

An. 1625.

The Commons the next day proceeding in that Debate, Sir Richard Weston delivered to the House this Message from His Majesty.

Another Message from the King by Sir Richard Weston.

**T**HAT his Majesty had taken notice of a seditious Speech uttered in the House by Mr. Clement Cook : The words are said to be to this effect, *That it were better to die by an Enemy than to suffer at home*. Yet his Majesty, in his wisdom, hath forborn to take any course therein, or to send to the House about it, not doubting but the House would in due time correct such an Insolence. But his Majesty hath found, that his patience hath wrought to an ill effect, and hath emboldned one since to do a strange act, in a strange way, and unusual; that is, Doctor Turner, who, on Saturday last without any ground of knowledge in himself, or proof tendred to the House, made an enquiry of sundry Articles against the Duke of Buckingham, as he pretended, but indeed against the Honour and Government of the King and his late Father. This, his Majesty saith, is such an example, that he can by no means suffer, though it were to make enquiry of the meanest of his Servants, much less against one so near unto himself; and doth wonder at the foolish impudency of any man that can think he should be drawn, out of any end, to offer such a Sacrifice, much unworthy the greatness of a King, and Master of such a Servant. And therefore his Majesty can no longer use his wonted patience, but desireth the Justice of the House against the Delinquents ; not doubting but such course will be taken, that he shall not be constrained to use his Regal Authority to right himself against these two persons.

Dr. Turner's Explanation.

Upon this Message, Doctor Turner made a short Explanation of himself, desiring to know wherewith he was charged : What he said, he said, the House can witness ; and what he said, he spake for the general good of the Common-wealth, and not upon the least reflection of any in particular. This he thought a Parliamentary way, warranted by antient Presidents. To accuse upon Common Fame, he finds warranted, first, by the Imperial Roman Laws, and the Canons of the Church, which allowed Common Fame sufficient to accuse any man. And they that are Learned amongst them, give two reasons : First, for Greatness. Next, for Cunning. Our Ancestors, within these walls, have done the like, and that to a Duke, the Duke of Suffolk, in the time of King H. 6. who was accused upon Fame. And lastly, (he said) Mr. Chancellor himself did present the Common Undertakers upon particular Fame ; and why he should not have as ample priviledge in this place, he knew no reason to the contrary.

The Commons having appointed another day for the Debate of this business, in the mean time came this Letter from Doctor Turner to the Speaker.

Dr. Turner's Letter to the Speaker.

SIR,  
**T**HESE Lines first petition you to signify to the Honourable House of Commons, That my desires are still the same to have made my personal appearance before you, but my ability and strength to perform it are not the same ; and therefore that I humbly desire them to excuse me on that part, and to accept of this my Answer unto the matter that I shall speak to. I do confess, that on Saturday last in the afternoon, I did deliver in certain accusations of common Fame into the House of Parliament against my Lord Admiral ; & that out of so many (all bearing the signature of Vox populi) I chose out some few

2 Caroli.

few, not because they were greater, or more Grievances, but because they did seem to direct us to find out the Griever, or the first Cause: For I did think it was then full time to agree the Agent and the Actions, and that it was time a'so to leave considering Grievances in Arbitration. I do now also agree unto you that which hath been reported unto you by Mr. Wandesford; and by that, if you shall think fit, will put my self unto your Censure, hoping and assuring my self, that you will find my design to include nothing else within it, but duty and publick service to my Countrey; and also that my adressing those Accusations to the House of Parliament, shall, by you, be found to be done by mannerly and Parliamentary way. But howsever it becomes me to submit my Cause to your Wisdoms and equal Judgments, which I do heartily; and whatsoever you shall please to appoint me, I shall dutifuly satisfy, when God shall be pleased to restore me able to attend your service. I doubt not but to give you an honest account of all my actions herein. And if I shall first to my Grave, I desire, if you find me clear, the reputation of an honest man, and an Englishman, may attend me thereunto. Thus I rest:

Your dutiful and humble Servant,

To the Honourable, Sir Heneage Finch,  
Speaker to the House of Commons.

SAMUEL TURNER.

Sir W. Walers.  
opinion of the  
Cause of Grie-  
vances.

The Monday following, Sir W. Walter (if the name be not mis-written in our Collections) represented to the House, That the Cause of all the Grievances, was, for that (according as it was said of Lewis the Eleventh, King of France) all the King's Council rides upon one Horse. And therefore the Parliament was to advise his Majesty, as Jethro did Moses, to take unto him Assistants with these qualities.

1. Noble, from among all the People; not Upstarts, and of a Nights growth.

2. Men of Courage; such as will execute their own Places, and not commit them to base and undeserving Deputies.

3. Fearing God; who halt not betwixt two opinions, or incline to false Worship in respect of a Mother, Wife, or Father.

4. Dealing truly; for Courtship, Flattery, and Pretence, become not Kings Counsellors, but they must be such as the King and Kingdom may trust.

5. Hating Covetousness; no Bribers, or Sellers of Places in Church or Common-wealth, much less Honours and Places about the King, and least of all such as live upon other mens ruines.

6. They should be many, set over Thousands, Hundreds, Fifties, and Tens (one Man not ingrossing all.) Where there is abundance of Counsel, there is Peace and Safety.

7. They must judge of small Matters; the greater must go to the King himself, not all to the Council, much less any one Counsellor must alone manage the whole weight; but Royal Actions must be done only by the King.

8. Lastly, Moses chose them Elders, not Young men. Solomon, by miracle and revelation, was wise being young; but neither his Son nor his young Counsellors had that priviledge: No more is it expected in any of our Counsellors, until by age and experience they have attained it.

Sir John Elliot continued the Debate, and thus spake:

We

An. 1626.  
Sir John Eliot pursues the Argument against the Duke.

WE have had (says he) a representation of great fear, but I hope  
 that you shall not darken our understanding. There are but two  
 things considerable in this busines: First, the occasion of our Meet-  
 ing: and seconly, the present State of our Countrey. The first  
 of these we all know, and it hath at large been made known unto us,  
 and therefore needeth no dispute. The latter of these we ought to  
 make known, and draw and shew it, as in a Perspective in this House:  
 For our wills and affections were never more clear, more ready as to  
 his Majesty, but perhaps bauk'd and check'd in our forwardness,  
 by those the King intrusts with the Affairs of the Kingdom. The  
 last Action, was the King's first Action; and the first Actions and De-  
 signs of Kings are of great obseruance in the eye of the World; for  
 therein much dependeth the esteem, or disesteem of their future pro-  
 ceedings: And in this Action the King and Kingdom have suffered  
 much dishonour; we are weakned in our strength and safety, and many  
 of our Men and Ships are lost. This great design was fixed on the Per-  
 son of the Lord-General, who had the whole Command both by Sea  
 and Land: And can this great General think it sufficient to put in  
 his Deputy, and stay at home? Count Mansfield's Actions were so mi-  
 serable, and the going out of those men so ill-managed, as we are scarce  
 able to say they went out. That handful of Men sent to the Palatinate,  
 and not feconded, what a loss was it to all Germany? We know well  
 who had then the King's ear. I could speak of the Action of Algier, but  
 I will not look so far backward. Are not Honours now sold, and made  
 despicable? Are not Judicial Places sold? and do not they then sell  
 Justice again? *Venire jure potest, emerat ille prius.* Tully, in an Orati-  
 on against Verres, notes, That the Nations were Suitors to the Senate of  
 Rome, that the Law, *De pecunis repetundis*, might be recalled: Which  
 seems strange, that those that were suitors for the Law, should seek  
 again to repeal it; but the reason was, It was perverted to their ill.  
 So it is now with us; besides inferior and subordinate persons that  
 must have Gratuities, they must now feed their great Patrons.

I shall to our present case cite two Presidents. The first is 16 H.3. the Treasure was then much exhausted, many disorders complained on, the King wronged by some Ministers; many Subsidies were then demanded in Parliament, but they were denied: And then the Lords and Commons joyned to desire the King, to re-assume the Lands which were improvidently granted, and to examine his great Officers, and the Causes of those Evils which the People then suffered. This was yielded unto by the King, and Hugo de Bourgo was found faulty, and was displaced; and then the Commons in the same Parliament, gave Supply. The second President was in the tenth year of Richard the Second: Then the times were such, and Places so changeable, that any great Officer could hardly sit to be warmed in his Place: Then also Moneys had been formerly given, and Supply was at that Parliament required; the Commons denied Supply, and complained, that their Moneys were mis-employed; That the Earl of Suffolk then over-ruled all; and so their Answer was, *They could not give*: And they petitioned the King, that a Commission might be granted, and that the Earl of Suffolk might be examined. A Commission at their request, was awarded, and that Commission recites all the Evil then complained of; and that the King, upon the Petition of the Lords and Commons, had granted that

" Examini-

2 Carrl.

A "Examination shou'd be taken of the Crown-Plan in which were told of  
 "the ordering of his Household, and the Disposition of the Jewels of his  
 "Grandfather and Father. I hear nothing said in this House of our Jew-  
 "els, nor will I speak of them ; but I could wish they were within these  
 "Walls. We are now in the same case with those former times ; we suf-  
 "fer alike, or worse : And therefore unless we seek redress of these great  
 "Evils, we shall find disability in the wills of the People to grant. I  
 "wish therefore, that we may hold a dutiful pursuance in preparing and  
 "presenting our Grievances. For the Three Subsidies and Three Fif-  
 "teens which are proposed, I hold the proportion will not suit with  
 "what we would give ; but yet I know it is all we are able to do, or  
 "can give ; and yet this is not to be the stint of our affections, but to  
 "come again, to give more upon just occasions.

B In the heat of these Agitations, the Commons notwithstanding re-  
 membered the Kings Necessities, and took the matter of Supply into  
 consideration, and Voted Three Subsidies and Three Fifteens to be paid  
 the last day of June and the last of October next following ; and that the  
 Act be brought in as soon as grievances are presented to, and answered  
 by the King. And the Commons the same day resumed the Debate again  
 concerning the Duke, and mis-government and mis-employment of the  
 Revenue, &c. Ordered the Duke to have notice thereof.

C The next day the King sent a Message to the House of Commons,  
 That they do to morrow at Nine of the Clock attend his Majesty in the  
 Hall at White-Hall, (and in the mean time all proceedings in the House  
 and Committee to cease.) Where his Majesty made this ensuing Speech.

Three Subsi-  
dies and Three  
Fifteens Vo-  
ted.Debate con-  
cerning the  
Duke resum'd

### My Lords and Gentlemen,

D "I Have called you hither to day, I mean both Houses of Parliament ;  
 "but it is for several and distinct reasons : *My Lords*, you of the Up-  
 "per House, to give you thanks for the care of the State of the King  
 "don now ; and not only for the care of your own Proceedings, but  
 "inciting your Fellow-House of the Commons to take that into their  
 "consideration. Therefore (*my Lords*) I must not only give you thanks,  
 "but I must also avow, That if this Parliament do not redound to the  
 "good of this Kingdom, (which I pray God it may) it is not your faults.  
 "And you, Gentlemen of the House of Commons, I am sorry that I may  
 "not justly give the same thanks to you ; but that I must tell you, that I  
 "am come here to shew you your errors, and, as I may call it, Unparlia-  
 "mentary proceedings in this Parliament. But I do not despair, because  
 "you shall see your faults so clearly by the Lord Keeper, that you may  
 "so amend your proceeding, that this Parliament shall end comforta-  
 "bly, though at the beginning it hath had some rubs.

The King's  
Speech, March  
29.

E Then the Lord Keeper, by the King's command, spake next.

F "MY Lords, and you the Knights, Citizens, and Burgesses of the  
 "House of Commons : You are here assembled by his Majesty's  
 "commandment, to receive a Declaration of his Royal pleasure ; which  
 "although it be intended only to the House of Commons, yet his Majesty  
 "hath thought meet, the matter being of great weight and importance,  
 "it

The Lord  
Keeper's  
Speech.

*An. 1626.* "it should be delivered in the presence of both Houses, and both Houses make one General Council: And his Majesty is willing that the Lords should be Witnesses of the Honour and Justice of his Resolutions. And therefore the Errand which, by his Majesty's direction, I must deliver, hath relation to the House of Commons. I must address myself therefore to you Mr. Speaker, and the rest of that House.

" And first, his Majesty would have you to understand, That there was never any King more loving to his People, or better affectioned to the right use of Parliaments, than his Majesty hath approved himself to be, not only by his long patience since the sitting down of this Parliament, but by those mild and calm Directions which from time to time that House hath received by Message and Letter, and from his Royal mouth; when the irregular humours of some particular persons wrought diversions and distractions there, to the disturbance of those great and weighty Affairs, which the Necessity of the Times, the honour and safety of the King and Kingdom, called upon: And therefore his Majesty doth assure you, that when these great Affairs are settled, and that his Majesty hath received satisfaction of his reasonable Demands, he will, as a just King, hear and answer your just grievances, which, in a dutiful way, shall be presented unto him; and this his Majesty doth avow.

" Next, his Majesty would have you know of a surety, That as never any King was more loving to his people, nor better affectioned to the right use of Parliaments; so never King more jealous of his Honour, nor more sensible of the neglect and contempt of his Royal Rights, which his Majesty will by no means suffer to be violated by any pretended colour of Parliamentary Liberty; wherein his Majesty doth not forget, that the Parliament is his Council, and therefore ought to have the liberty of a Council; but his Majesty understands the difference betwixt Council and Controlling, and between Liberty and the abuse of Liberty.

" This being set down in general, his Majesty hath commanded me to relate some particular passages and proceedings, whereat he finds himself aggrieved.

" First, Whereas a seditious Speech was uttered amongst you by Mr. Cook, the House did not, as they ought to do, censure and correct him. And when his Majesty, understanding it, did, by a Message by Mr. Chancellor of the Exchequer, delivered to the House, require Justice of you, his Majesty hath since found nothing but protracting and delays. This his Majesty holds not agreeable to the wisdom and the duty which he expected from the House of Commons.

" Secondly, Whereas Doctor Turner, in a strange Unparliamentary way, without any ground of knowledge in himself, or offering any particular proof of the House, did take upon him to advise the House to enquire upon sundry Articles against the Duke of Buckingham, as he pretended, but in truth to wound the Honour and Government of his Majesty, and of his renowned Father; and his Majesty, first, by a Message, and after by his own Royal mouth, did declare, That that course of Enquiry was an Example, which by no way he could suffer, though it were against his meanest Servant, much less against one so near him; and that his Majesty did much wonder at the foolish insolency of any man that can think, that his Majesty should be drawn "out

2 Caroli.

A "out of any end to offer such a Sacrifice so unworthy of a King, or  
 "a good Master ; yet for all this you have been so far from correct-  
 "ing the insolence of *Turner*, that ever since that time, your Commit-  
 "tees have walked in the steps of *Turner*, and proceeded in an Un-  
 "parliamentary Inquisition, running upon Generals, and repeating that  
 "whereof you have made Fame the ground-work. Here his Majesty  
 "hath cause to be exceeding sensible, that upon every particular, he  
 "finds the Honour of his Father stain'd and blemish'd, and his own no  
 "less ; and withal you have manifested a great forwardness rather to  
 "pluck out of his bosom those who are near about him, and whom his  
 "Majesty hath cause to effect, than to trust his Majesty with the future  
 "reformation of these things which you seem to aim at : and yet you  
 "cannot deny , but his Majesty hath wrought a greater reformati-  
 "on in matters of Religion, execution of the Laws, and concerning  
 "things of great importance, than the shortness of his Reign (in which  
 "he hath been hindred, partly through sickness, and the distraction of  
 "things, which we could have wished had been otherwife) could  
 "produce.

C "Concerning the Duke of *Buckingham*, his Majesty hath commanded  
 "me to tell you, That himself doth better know than any man living  
 "the sincerity of the Duke's proceedings ; with what cautions of weight  
 "and discretion he hath been guided in his publick Employments from  
 "his Majesty and his blessed Father ; what Enemies he hath procured at  
 "home and abroad ; what peril of his Person, and hazard of his Estate he  
 "ran into for the service of his Majesty, and his ever blessed Father ;  
 "and how forward he hath been in the service of this House many times  
 "since his return from *Spain*. And therefore his Majesty cannot believe,  
 "that the aim is at the Duke of *Buckingham*, but findeth, that these Pro-  
 "ceedings do directly wound the Honour and Judgment of himself, and  
 "of his Father. It is therefore his Majesties express and final command-  
 "ment, That you yield obedience unto those Directions which you  
 "have formerly received, and cease this Unparliamentary Inquisition,  
 "and commit unto his Majesties care, and wisdom, and justice, the future  
 "reformation of these things which you suppose to be otherwise than  
 "they should be : And his Majesty is resolved, that before the end of  
 "this Session, he will set such a course, both for the amending of any  
 "thing that may be found amiss, and for the settling of his own  
 "Estate, as he doubteth not but will give you ample satisfaction and  
 "comfort.

F "Next to this, his Majesty takes notice, That you have suffered  
 "the greatest Council of State to be censured and traduced in the  
 "House, by men, whose Years and Education cannot attain to that  
 "depth : That Foreign busineses have been entertained in the House,  
 "to the hindrance and disadvantage of his Majesty's Negotiations :  
 "That the same Year, yea, the first Day of his Majesty's Inauguration,  
 "you suffered his Council, Government, and Servants to be parallel'd  
 "with the times of most Exception : That your Committees have pre-  
 "sumed to examine the Letters of Secretaries of State, nay, his own ;  
 "and sent a general Warrant to his Signet-Office, and commanded his  
 "Officers , not only to produce and shew the Records, but their  
 "Books and private Notes, which they made for his Majesty's ser-  
 "vice. This his Majesty holds as unsufferable, as it was in former  
 "times unusual.

An. 1626.

" Next I am to speak concerning your Supply of Three Subsidies  
 " and Three Fifteens, which you have agreed to tender to his Majesty.  
 " You have been made acquainted with the greatness of his affairs, both  
 " at home and abroad, with the strong preparation of the Enemy, with  
 " importance of upholding his Allies, strengthning and securing both  
 " England and Ireland; besides the encoutring and annoying the En-  
 " my by a powerful Fleet at Sea, and the charge of all: This having been  
 " calculated unto you, you have professed unto his Majesty, by the mouth  
 " of your Speaker, your carefulness to support the cause wherein his Ma-  
 " jesty and his Allies are justly engaged; your unanimous consent and  
 " real intention to supply his Majesty in such a measure, as should make  
 " him safe at home, and feared abroad; and that in the dispatch hereof,  
 " you would use such diligence, as his Majesty's pressing and present oc-  
 " casions did require.

" And now his Majesty having erected a proceeding suitable to this  
 " engagement, he doth observe, that in two days only of twelve, this  
 " busines was thought of, and not begun, till his Majesty, by a Message,  
 " put you in mind of it, whilst your inquisition, against his Majesty's di-  
 " rection, proceeded day by day.

" And for the measure of this supply, his Majesty findeth it so far from  
 " making himself safe at home, and feared abroad, as contrariwise it  
 " exposeth him both to danger and dis-esteem; for his Majesty cannot  
 " expect, without better help, but that his Allies must presently disband,  
 " and leave him alone to bear the fury of a provoked and powerful Ene-  
 " my: so as both he and you shall be unsafe at home, and ashamed and  
 " despised abroad. And for the manner of the Supply, it is in it self very  
 " dishonourable, and full of distrust; for although you have avoided the  
 " literal word of a Condition, whereof his Majesty himself did warn  
 " you, when he told you of your Parenthesis; yet you have put to it  
 " the effect of a Condition, since the Bill is not come into your House,  
 " until your Grievances be both preferred and answered. No such thing  
 " was in that expression and engagement delivered by your Speaker,  
 " from which his Majesty holdeth, that you have receded both in mat-  
 " ter and manner, to his great disadvantage and dishonour. And there-  
 " fore his Majesty commandeth, that you go together, and by Saturday  
 " next return your final Answer, what further Supply you will add to  
 " this you have already agreed on, and that to be without Condition,  
 " either directly or indirectly, for the supply of these great and impor-  
 " tant Affairs of his Majesty; which, for the reasons formerly made  
 " known unto you, can endure no longer delay; and if you shall not by  
 " that time resolve on a more ample Supply, his Majesty cannot expect  
 " a Supply this way, nor promise you to sit longer together; otherwise,  
 " if you do it, his Majesty is well content, that you shall sit so long, as  
 " the season of the year will permit; and doth assure you, that the  
 " present Addition to your Supply to set forward the work, shall be no  
 " hindrance to your speedy accels again.

" His Majesty hath commanded me to add this, That therein he  
 " doth expect your cheerful obedience, which will put a happy issue to  
 " this Meeting, and will enable his Majesty, not only to a Defensive  
 " War, but to employ his Subjects in Foreign Actions, whereby will be  
 " added to them both Experience, Safety, and Honour.

" Last of all, his Majesty hath commanded me, in explanation of the  
 " gracious goodness of his Royal intention, to say unto you, That he

" v. ch

"doth well know, that there are among you many wise and well tempered men, well affected to the Publick and to his Majesty's service ; "and that those that are willingly faulty, are not many : and for the rest, his Majesty doubteth not, but after his gracious admonition, they will, in due time, observe and follow the better sort ; which if they shall do, his Majesty is most ready to forget whatsoever is past.

2 Carolv.

A Then his Majesty spake again,

"I must withall put you in mind a little of times past ; you may remember, that in the time of my blessed Father, you did with your counsel and perswasion perswade both my Father and me to break off the Treaties ; I confess I was your Instrument for two reasons ; one was, the fitnes of the time ; the other, because I was feonded by so great and worthy a Body, as the whole Body of Parliament : Then there was no body in so great favour with you, as this Man whom you seem now to touch, but indeed, my Father's Government and mine. Now that you have all things according to your wishies, and that I am so far ingaged, that you think there is no retreat ; now you begin to set the Dice, and make your own Game : But I pray you be not deceived, it is not a Parliamentary way, nor it is not a way to deal with a King.

The King proceeds.

B C "Mr. Cook told you, *It was better to be eaten up by a Foreign Enemy, than to be destroyed at home.* Indeed I think it more honour for a King to be invaded, and almost destroyed by a Foreign Enemy, than to be despised by his own Subjects.

D "Remember, that Parliaments are altogether in my power for their Calling, Sitting, and Dissolution ; therefore as I find the fruits of them good or evil, they are to continue, or not to be : And remember, that if in this time, in stead of mending your Errors, by delay you persist in your Errors, you make them greater, and irreconcileable : Whereas on the other side, if you do go on chearfully to mend them, and look to the distressed state of Christendom, and the affairs of the Kingdom, as it lieth now by this great Engagement ; you will do your selves honour, you shall encourage me to go on with Parliaments, and, I hope, all Christendom shall feel the good of it.

E The Commons upon the Debate of what fell from his Majesty and the Lord Keeper, turned the House into a Grand Committee, ordered the Doors to be locked, and no Member to go forth ; and that all Proceedings in all other Committees shall cease, till the House come to a Resolution in this business.

F His Majesty being informed, that some things in his own Speeches, and the Lord Keepers Declaration, were subject to misunderstanding, commanded the Duke to explain them, at a Conference of both Houses in the Painted-Chamber, held for that purpose.

G "W Hereas it is objected by some, who wish good correspondence betwixt the King and People, that to prefix a day to give or to break, was an unusual thing, and might express an inclination in the King to break ; to remove this, as his Majesty was free from such thoughts, he hath descended to make this Explanation.

The Duke, in a Conference, explains the King's late Speech, and the Lord Keeper's Declaration.

"That

An. 1626.

" That as his Majesty would not have you condition with him directly or indirectly, so he will not lie to a day, for giving further Supply ; but it was the pressing occasion of Christendom that made him to pitch upon a day.

" His Majesty hath here a Servant of the King of Denmark, and another from the Duke of Weymer, and yesterday received a Letter from his Sister the Queen of Bohemia ; who signified, that the King of Denmark hath sent an Ambassador, with power to perfect the Contract which was made at the Hague ; so it was not the King, but time, and the things themselves that pressed a time.

" Therefore his Majesty is pleased to give longer time, hoping you will not give him cause to put you in mind of it again ; so that you have a greater Latitude, if the busines require to think further of it.

" I am commanded further to tell you, that if his Majesty should accept of a less sum than will suffice, it will deceive your expectations, dis- appoint his Allies, and consume the Treasure of the Kingdom : where- as if you give largely now, the business being at the Crisis, it comes so seasonably, it may give a Turn to the Affairs of Christendom.

" But while we delay and suffer the time to pass, others abroad will take advantage of it, as the King of Spain hath done, by concluding a Peace, as 'tis thought in Italy, for the Valtoline, whereby our work is become the greater, because there can be no diversion that way.

" As it was a good rule to fear all things and nothing, and to be liberal was sometimes to be thrifty ; so in this particular, if you give largely, you shall carry the War to the Enemy's door, and keep that Peace at home that hath been : Whereas, on the contrary, if you draw the War at home, it brings with it nothing but disturbance and fear, all courses of Justice stopt, and each man's Revenue lessened, and nothing that can be profitable.

" Another Explanation I am commanded to make, touching the grievances ; wherein his Majesty means no way to interrupt your Proceedings, but hopes you will proceed in the ancient ways of your Predecessors ; and not so much seek faults, as the means to redress them.

" I am further commanded to tell you, That his Majesty intends to elect a Committee of both Houses, whom he will trust, to take the view of his Estate, the defects of which are not fit for the eyes of a multitude ; and this Committee will be for your ease, and may satisfie you, without casting any ill odour on his Government, or laying open any weakness that may bring shame upon us abroad. That which is proposed is so little, that when the payment comes, it will bring him to a worse estate than now he is in ; therefore wishes you to enlarge it, but leaves the Augmentation to your selves ; but is sorry, and touch'd in conscience, that the burthen should lie on the poorest, who want too much already ; yet he will not prescribe, but wish, that you, who were the Abettors and Counsellors of this War, would take a greater part of the burthen to your selves ; and any man that can find out that way, shall shew himself best affected, and do the best service to the King and State.

The Duke then made his Address to them in his own behalf.

My

2 Caroli.

## My Lords and Gentlemen,

The Duke ren-  
ders an ac-  
count of his  
Negotiation  
in the Low-  
Countreys.

A " You were all witnesses yesterday how good and gracious a Master I serve ; and I shall likewise be glad that you be witnesses how thankful a heart I have.

B " And I protest I have a heart as full of zeal to serve my Master, as any man ; and it hath been my study to keep a good correspondence betwixt the King and his People : and what ever thought hath been entertained of me, I shall not alien my heart from that intention, but shall add spurs to my endeavours and actions, to vindicate my self from ill opinion.

C " And however I lie under the burden of the same, it lies in your hands to make me happy or not ; and, for my part, I wish my heart and actions were known to you all ; then I assure my self, you would resume me to your good opinions.

D " When I had, with some hazard, waited on my Master into Spain, it is well known what testimony I gave of my Religion ; and no man that comes to a true and near view of my action, can justly charge me. Let me be excused, if I give account of this particular, when I should speak of the general; for this goes near my heart, and to dissemble with my Conscience, no ends of Fortunes in the world can make me do it : For if I had any ill inclination, I had such offers made to me in Spain, as might have tempted me.

E " If I would have been converted my self, I might have had the Infanta to put in my Master's Bed ; and if my discontent should have risen here, I might have had an Army to have come with me : But I thought the offer foolish, ridiculous, and scornful, in that point of Religion.

F " I will now take the boldness to speak a little in the general business ; and I call it boldness to speak after one, who did so well the other day : But I had rather suffer in my own particular, than not refresh your memories with that which is materially needful.

G " I shall not need to reflect so far back as to the beginning of those Counsels which engaged my Master into the War, they are well known, only I will so far touch it, as to say, That the last years preparations were not Voluntary, or out of Wantonness, but out of Necessity.

H " My Master had good intelligence, that the King of Spain's eye was maliciously bent this way, which had been pursued accordingly, if the employment of the Low-country-men to the Bay of Todos los Santos had not diverted it.

I " Now for the counsel which was used for sending out the Fleets, I will refer you to the relation of the Lord Conway, who, as well in this as other Resolutions, can tell you, that nothing was carried with single Counsels : And for my self, I know, that in all those Actions, no man can stand up against me, to say, that I ever did go with single Counsels, or made breach of any ; but have been an obedient Servant and Minister unto their Resolutions : The proof whereof will appear in a Journal thereof, which my Lord Conway keeps.

J " I confess, all Counsels were not ever as your selves would, nor have wished they should ; if you had known them as my Master did, " in

An. 1626.

"in whom the former Affairs of State had bred such afflictions, that the business being altered, they were not to be trusted with the Charge."

"I will now give you an account of all my Negotiations, since my Being at Oxford, both at home and abroad; and because there it was charged, that those things were carried with single Councils, I was more careful to advise the King to have his Council with him in the Countrey, being to enter into War with an active King."

"And for my part, I did diligently wait on the Council, let all Re-creations, all Personal occasions, studying to serve my Master, and to gain the good opinion of both Houses. The Council of Worcester generally advised the going out of the Fleet. And though it were objected, that the Seafon were not fit, yet the Action shewed the contrary, for they all arrived in safety. And for what was also objected, that the Provision was not good, experience tells you the contrary; for the preparations were all good in quality and proportion."

"And if the success were not such as any honest man could wish, I hope I shall not be blamed, being not there in person, though I made the greatest suit for it to my Master, that ever I did for any thing: But his Majesty thought my service more useful in the Low-Countrys, to comfort his Sister, and to treat with the Kings of Denmark, Sweden and the States."

"And though the success (as I said) of the Fleet, were not answerable to the desires of honest men, yet it had these good effects; First, it put our Enemy to great charge in fortifying his Coasts. Secondly, they took so many Ships, as caused many of his Merchants to break, whereby the Army in Flanders suffered much: And lastly, they cou'd carry no Treasure out to pay their Forces in Flanders."

"And for Omissions of what more might have been done, I leave that to its proper place and time, and let every man bear his own burden."

"From Oxford, the Council went to Southampton, where the States Ambassadors did wait often on the King and Council, and a League Offensive and Defensive betwixt us and them was thought fit to be resolved on, whereof some reasons I will express, but not all. First, they are of our own Religion. Secondly, they are our Neighbours, for situation so useful, as when they are in distres, it is policy in us to give them relief; therefore the King thought fit to do it in such manner, as might lay an Obligation on them; which if it had not been done, they had been pressed with a long War, and such a Faction among themselves, as if the King had not joyned, and, in a manner, appeared their Protector, they had broke among themselves. And in this the King's care was not only of them, but of all Christendom, and of his own particular."

"For, as before he only assisted them, his Majesty's care now used Arguments to draw them to Contribution; so that they bear the Fourth part of the Charge of the War at Sea, according to such Conditions, as by the Lord Chamberlain you have heard."

"This League being perfected between the States and us, his Majesty, by advice of his Council, thought fit to send me to get such a League with the other Princes as I could: The Rendezvous was in the Low-Countrys, being in a manner the Centre for repair for England, France, and Germany; I had Latitude of Commission to make the League with most advantage I could."

"Now

A

B

C

D

E

F

2 Carol.

A  
 "Now I had discovered from Monsieur B. the French Ambassador  
 "here that a League Offensive and Defensive would be refused; and  
 "I found the King of Denmark shie, and loath to enter into such a League  
 "against the King of Spain; and so partly out of Necessity, and partly  
 "out of reason of State, I was forced to conclude the League in general  
 "terms for the restoring the liberty of Germany without naming the  
 "King of Spain, or the Emperor, that other Princes might come in; and  
 "this to continue till every one had satisfaction, and nothing to be treat-  
 "ed of, debated, or concluded on, but by consent of all parties. It  
 "did appear, that the Charge was so great, that the Kingdom could not  
 "endure it; and therefore I endeavoured in the Low-Countrys to lef-  
 "sen it, and so the Sea charge was helped, and the Land assistance given  
 "unto them, is to cease six moneths hence, which the Lord Conway said  
 "was to end in September next.

B  
 "Also by this Treaty it is conditioned with the King of Denmark,  
 "That when my Master shall by Diversion equal to this Contribution  
 "with his own Subjects, enter into Action, then his Charge to cease:  
 "Or if the King of France may be drawn in, of which there is great  
 "hope (though he hath now made peace in Italy) for that the Poli-  
 "cy of France may not give way unto the greatness of the House of  
 "Austria, and ambition of Spain, whose Dominions do grasp him in on  
 "every tide. And if the business be well carried, his engagement to  
 "the King of Denmark may draw him in; so there is great possibility  
 "of easing our Charge.

C  
 "But all is in the discreet taking of the time; for if not, we may  
 "think the King of Denmark will take hold of those fair Conditions  
 "which are each day offered him; and then the Enemies Army will fall  
 "upon the River of Elve, and (the Lord Conway added) upon East Friez-  
 "land, from whence they would make such progress, as (in my poor  
 "experience) would ruin the Low-Countrys.

D  
 "And thus I think I have satisfied all of you, or at least given an ac-  
 "count of my Negotiation in the Low-Countryes, with the King of  
 "Denmark, Sweden, and the rest.

E  
 "I should be glad before I end, to say somewhat of my self, but I shall  
 "request your favorable construction, for I have been too long alrea-  
 "dy; but I fear I shall offend, and therefore I will restrain my self to  
 "generals.

F  
 "If in any of these imployments, my Errors may be shewed me, I shall  
 "take him for my best friend that will manifest them in particular. I  
 "have bent all my thoughts on nothing but my Masters Honor, the Ser-  
 "vice of the State, and safety of them both. I never had any end of  
 "mine own, and that may be perceived and proved by the expence of  
 "mine own estate. I am ashamed to speak it, and it would become an-  
 "other Man's tongue better then mine own.

G  
 "My Journey into Spain, was all at my own charge; my Journey in-  
 "to France, was at my Masters charge; my Journey into the Low-  
 "Countryes was all at my own charge.

H  
 "I am accused by common Fame, to be the cause of the loss of the  
 "Narrow Seas, and the damage there sustained. That I can say, is this,  
 "since the War begun with Spain, I have always had Twelve Ships on  
 "the Coasts, and allowance but for Four, the rest my own care supplied.  
 "And for the Office of Admiral, when I came first to it, I found the Na-  
 "vy weak, not neglected by my Noble Predecessor (for I cannot speak

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" of him, but with honor ; and I shall desire to go to my Grave with the  
 " honor he carried hence) but the not paying of moneys in time, there  
 " were such defects his care could not prevent ; that if the War had  
 " then broken out, there would have been found few Ships, and those  
 " unserviceable. I was first perswaded to take this Office by perswasion  
 " of Sir Robert Mansel, and though I objected I was young, and unexpe-  
 " rienced, yet he said that by my favor with my Master, I might do more  
 " good in procuring payment for that charge ; And because I was  
 " young and unexperienced, I took advice, as I do in all things, and am  
 " not ashamed of it. I desired my Master to grant a Commission as it  
 " were over me. I have found a great Debt, the Ships defective, and  
 " few in number, the yearly charge of Fifty four thousand pounds,  
 " which was brought to Thirty thousand pounds *per annum*, we built  
 " every year two Ships, and when so many were built as were requisite,  
 " we brought in Two and twenty thousand pounds *per annum*, which  
 " comes not to my hands, but goes into its proper streams, and issues  
 " from the Officers to that purpose deputed.

" Now if any can shew me a project, how to maintain a War against  
 " Spain, Flanders, and the Turkish Pirats with less charge, he will do a  
 " great work and good service : I have had sometimes Twenty, some-  
 " times Thirty Ships, though sometime disastered by Tempest, which  
 " disperseth the Hollander Ships, and caused them to cut their Masts, and  
 " forsake Anchors.

" There are now Twelve Ships victualled for two months ; and  
 " though many Reports have been, that they do not do their duty, yet  
 " I have advertised them thereof from time to time, and find no such  
 " fault in them.

" There are Thirty Ships more at Plymouth, victualled for six Months,  
 " and ten more ready, so soon as they may be victualled : I have been so  
 " frugal of making use of the old remain, that there is no need of Am-  
 " munition, or other necessaries.

" Besides all these, there are Twenty Ships to come from the Low-  
 " Countreys ; so you have Twelve, Twenty, Thirty, and Ten more,  
 " which I think you have not heard of.

" And therefore if any have blamed me, I do not blame him, but think  
 " he hath done well, but when you know the truth, and when all this  
 " shall appear, I hope I shall stand right in your opinions.

" Gentlemen, It is no time to pick quarrels one with another ; we  
 " have enemies enough already, and therefore more necessary to be well  
 " united at home.

" Follow not Examples, at least not ill examples of Gondomar, and  
 " Tnojosa, who would have had my head, when you thought me worthy  
 " of a salute. Now though I confess there may be some errors, I will  
 " not justify my self ; yet they are not such gross defects, as the World  
 " would make them appear. I desire they may be admitted *Cum Nota*.

" They are no Errors of wilfulness, nor of Corruption, nor oppressing  
 " of the People, nor Injustice, but contrary ; and then may I say, For  
 " what good done by me do I suffer ?

" And now I might Answer more particulars, but I have been long,  
 " and so will forbear ; and will conclude, if your Supply answer not  
 " your promises and engagements to my Master ; you will make this  
 " place which hath been in Peace when others were in War, the seat of  
 " War when others are in Peace.

" Now

A

B

C

D

E

F

A " Now Gentlemen, you that were antient Parliament-men when this Council was first given strive to make good your own Engagement, for the honour of your King, and your own safety. Let Religion, in which I would be glad to be more watchfull and industrious than any, unite your hearts both at home and abroad ; and you that are young men, may in these active times gain honor and reputation , which is almost sunk, and gaia the Antient Glory of your Predecessors: and remember it is for restoring to her Inheritance, the most virtuous Landy I think in the World.

" I have nothing more , but to intreat your charitable opinion of me and my actions.

For the further vindicating of the Duke, the Lord *Conway* stood up and said,

B " **T**HAT whereas divers jealousies have been raised in the House, that the Moneys have been expended unusefully and without Council; himself who was the only Secretary, and had the hand in guiding the business, could best give an account of it.

C " When King *James* of Glorious Memory , at the request of both Houses had broken both the Treaties, he considered how to maintain the War: for he saw that the King of *Spain* was awaked, and that the *Palatinate* must be got by the Sword, and that *Spain* would oppose it with all the power they could ; and computing the charges, found the Subsidies granted too short ; for that it could not be done without an Army of five and twenty thousand Foot, and Five thousand Horse , which would amount to Six hundred thousand pounds for the Armies yearly, and Three hundred thousand pounds for the Navy ; but, finding all his means short, and as the Proverb is, *Not knowing of what wood to make his Arrows to hit the mark withal*, Count *Mansfield* stirred up by his own judgment, came over and made overture, That for twenty thousand pounds a moneth he would raise an Army of Thirty thousand men, and draw in the *French King*, *Denmark*, *Sweden*, *Venice*, *Savoy*, the Cantons of the *Switzers*, perhaps and some other *German* Princes, and raise a War in *Alsacia*, of great consequence to make a Diversion.

D " Now about this time the Council of *Austria* resolved to call a Dyet and exclude the Count *Palatine*, and put in a Popish Elector ; and for that end offered a general Peace in *Germany*, and so left not a creature to look into for assistance ; but if any of them should aid the Count *Palatine*, he should be out of the Peace.

E " The King accepts *Mansfields* offer, conditionally that he drew in the *French King*: So *Mansfield* went over into *France*, and the King by advice of his Council sent Ambassadors into *France*, *Denmark*, *Venice*, *Savoy*, and Cantons of the *Switzers*, from whom he received cold Answers ; for K. *James* had stood so long on terms of Peace, as they doubted he would not be brought to enter into a War. But Count *Mansfield* procured the King of *France* to contract to receive our Troops, with promise to enter into the War, upon condition it might be regulated by the Council of the French King and *England*. This favor to Count *Mansfield*, That *France* agreed that his Armies should joyn with the Kings Troops, wrought the Princes of *Germany* to believe, that the King would enter into a War. Thereupon the Imperialists left their

The Lord  
Conway vindi-  
cates the Duke

An. 1625.

"Dyet, and sent *Tilly* to *Friezland*; and to take up the River of *Embden*; which if he had obtained, they would have trampled the Low-Countrys under foot, and would have become Governors of the Sea.

"Upon this the King of *Denmark* sent to our King, and offered to raise an Army of thirty thousand men, if our King would allow thirty thousand pounds a Moneth, and said, He would admit no time of repaire; for if *Tilly* had not been presently met and headed, all had been lost. Whereupon our King called a Council, and appointed Commissioners; and from that time all the Warrants for the issuing of the Moneys, were all under the Kings own hand to the Council of War and from them to the Treasurers, and the Warrants were from the Lords of the Council for the levying of Men, and for Coats and Conduct-money. A List whereof is hereunder specified.

Thereupon the Duke asked the question, whether any thing was done by single Council:

To which the Lord *Conway* answered, "No; For the Treaty of *Denmark*, Project of Count *Mansfield*, Treatise with *France*, and the business of the Navy, were done all by the King himself; and who can, say it was done by single Council, when King *James* commanded it, whose Council every man ought to reverence, especially in Matters of War, whereunto that King was not hasty?"

### The Total of Moneys paid by Warrants of the Treasurers of the Subsidy Money.

A List of Moneys disbursed for the War.

**I**N *Toto* for the Four Regiments of the Low-Countries, from the 13th of June, 1624. { 99878 l. 00 s. 06 d. till the One and twentieth of July, 1624. }

For the Navy, from the 13th of July, 1624. { 37530 l. 08 s. 04 d. till the three and twentieth of December. }

For the Office of the Ordnance and Forts in England, from the Twentieth of July, 1624. { 47126 l. 05 s. 05 d. till the Fifteenth of June, 1625. }

To defray Charges for Forts in *Ireland*, about October, 1624. { 32295 l. 18 s. 04 d. }

For the service under Count *Mansfield*; for Provisions of Arms, transporting of Soldiers, from the Fourth of October, 1624, till the Tenth of December, 1624. { 61666 l. 13 s. 04 d. }

Sum. Total---278497 l. 04 s. 11 d.

"**M**emorandum, that over and above the several Services before specified, and the several Sums issued, and to be issued by our Warrants for the same, We did long since resolve and order accordingly, that out of the Moneys of the second and third Subsidies, these further Services should be performed, and Moneys issued accordingly, viz.

"In full of the Supply of all the Forts and Castles before-mentioned (Surveyed per Sir *Richard Morison*, Sir *John Ogle*, Sir *John Kay*, in September,

"September 1613.) with all sorts of Munitions according to several  
"Proportions and Warrants for the same— 4973 l. 2 Caroli.

"In full for the Reparations of all the said Forts and Castles, according to the said Survey— 10650. 06 s. 08 d.

"But the said Subsidies being not like to afford means to perform these so necessary Works; We humbly command the supply of what shall be wanting for the same unto your Majesties Princely consideration.

Whilst the Commons were inquiring into Publick Grievances, the Lords represented to the King a Grievance to their own Order, in this following Petition.

B *To the Kings most Excellent Majesty.*

The Petition of your ever Loyal Subjects, the Lords Spiritual and Temporal now in Parliament Assembled,

C In all humility sheweth.

D **T**hat whereas the Peers and Nobility of this your Kingdom of England, have heretofore in Civility yielded as to strangers Precedency, according to their several degrees, unto such Nobles of Scotland and Ireland, as being in Titles above them, have resorted hither. Now divers of the natural born Subjects of these Kingdoms resident here with their Families, and having their chief Estates among us, do by reason of some late created Dignities in those Kingdoms of Scotland and Ireland, claim Precedency of the Peers of this Realm, which tends both to the disservice of your Majesty, and these Realms, and to the great disparagement of the English Nobility, as by these Reasons may appear.

The Lords Petition touching Precedency challeng'd by Scots and Irish.

I. It is a Novelty without Precedent, that Men should inherit Honour, where they possess nothing else.

II. It is Injurious to those Countries from whence their Titles are derived, that they should have a Vote in Parliament, where they have not a foot of Land.

III. It is a grievance to the Countrey where they inhabit, that men possessing very large Fortunes and Estates, should by reason of Foreign Titles, be exempted from those services of Trust and Charge, which through their default become greater pressures upon others who bear the burthen.

F IV. It is a shame to Nobility, that Persons dignified with the Titles of Barons Viscounts, &c. should be obnoxious and exposed to arrest, they being in the view of the Law no more than mere Plebeians.

We therefore humbly beseech your Majesty, that you will be pleased according to the examples of the best Princes and times, upon consideration of these inconveniences represented to your Majesty, by the nearest Body of Honor to your Majesty, that some course may be taken and an order timely settled therein by your Princely Wisdom, so as the inconvenience to your Majesty may be prevented, and the prejudice and disparagement of the Peers and Nobility of this Kingdom be redressed.

To

An. 1626.

To this Petition the King gave Answer, that he would take order therein.

The Earl of Bristol who continued under Restraint, and was debarred Access to his Majesty ever since his return out of Spain, had been examined touching his Negotiation there, by a Committee of Lords appointed by the King. Certain Propositions were tendered unto him in order to his Release, and composing of that Affair, concerning which he had written to the Lord Conway, and about this time received the ensuing Letter from him.

A

### The Lord Conway, to the Earl of Bristol.

My Lord,

The Lord  
Conway's Let-  
ter to the  
Earl of Bristol.

I Received a Letter from your Lordship, dated the Fourth of this Month, written in Answer to a former Letter which I directed to your Lordship by his Majesties Commandment. This last Letter according to my Duty I have shewed unto his Majesty, who hath perused it, and hath commanded me to write back to you again, that he finds himself nothing satisfied therewith. The Question propounded to your Lordship from his Majesty, was plain and clear, Whether you did rather chuse to sit still without being questioned for any Errors past in your Negotiation in Spain, and enjoy the benefit of the late gracious Pardon granted in Parliament, whereof you may have the benefit: Or whether for the clearing of your Innocency (whereof your self and your friends and followers are so confident) you will be content to waive the advantage of that Pardon, and put your self into a legal way of Examination for the Tryal thereof. His Majesties purpose thereby, is not to prevent you of any favors the Law hath given you; but if your Assurance be such as your Words and Letters import, he conceives it stands not with that Publick and resolute profession of your Integrity to decline your Tryal. His Majesty leaves the choice to your self, and requires from you a direct Answer without circumlocution or bargaining with him for future Favors beforehand; but if you have a desire to make use of that Pardon which cannot be denied you, nor is any way desired to be taken from you, his Majesty expects he should at the least forbear to magnifie your Service, and out of an opinion of your Innocency, cast an aspersion upon his Majesties Justice, in not affording you that present fulness of Liberty and Favor which cannot be drawn from him, but in his good time and according to his good pleasure.

B

Thus much I have in commandment to write to your Lordship, and to require your Answer clearly and plainly by this Messenger sent on purpose for it, and so remain.

C

Whitehall, 24 March,  
1626.

Your Lordships humble servant,

Edw. Conway.

D

My Lord,

The Earl of  
Bristol's Let-  
ter to the  
Lord Conway.

I Have received your Letter of the 24th of March, the Twenty eighth; and I am infinitely grieved to understand that my former answer to yours of the fourth of March, hath not satisfied His Majesty, which I will

E

F

will endeavor to do this, to the best of my understanding; and to that end shall answer to the particular points of your present Letter, with the greatest clearness I am able.

First, Whereas you say in your Letter, that the question propounded to me was plain and clear, viz.

A Whether I would chuse to sit still without being questioned for any Errors past in my Negotiation in Spain, and enjoy the benefit of the late gracious Pardon, whereof I may take the benefit? Or whether being content to waive the advantage of that Pardon, I should put myself into a legal way of Examination for the Tryal thereof? &c.

First, Your Lordships may be pleased to remember, your last Proposition was, Whether I desired to rest in the security I was in, which you now express, Whether I will chuse to sit still?

B Secondly, Your Proposition was, Whether I would acknowledge the gracious Favor of his Majesty that now is, who has been pleased not to question my actions: when it is best known to your Lordship, That by a commission of the Lords, I was questioned upon Twenty Articles, divers involving Felony and Treason. Although it be true, That when I had so answered (as I am confident their Lordships would have cleared me) I was so unhappy as their Lordships never met more about that business.

C But now your Proposition is, Whether I will now chuse to sit still without being further questioned for Errors past, whereas before it was required I should acknowledge that I have not been questioned at all, which is a different thing? But consering both your Letters together, and gathering the sense and meaning by making the latter an Explanation of the former, which I could have wished your Lordship would have more clearly explained, I return unto your Lordship this plain and direct Answer.

D That understanding by the security I am in, and sitting still, and not being further questioned, I am restored to the bare Freedom and Liberty of a Subject and Peer (for a Man being called in question by his Majesty, if after his Majesty shall be pleased, out of his goodness, that he rest quiet and secure, and that he shall not be further questioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his Majesties Grace he is pleased to declare, he shall not be further questioned, but may live in further security.) So that understanding your Letter in this sort (for no direct Answer can be made, until the sense of the question be truly stated) I do most humbly acknowledge and accept his Majesties Grace and Favor, and shall not wave any thing that shall come to me by the pardon of the 21 Jac. Regis, nor by the pardon of his Majesties Coronation; and am so far from

E bargaining, as you are pleased to express it for future favor (though I hope my humble and submissive courses of Petitioning his Majesty, neither hath, nor shall deserve so hard an Expression) that I shall not presume so much as to press for any favor, until my dutiful and Loyal Behaviour may move his Majesties Royal and Gracious Heart thereunto, but receive, with all humbleness, this my Freedom and Liberty; the which I shall only make use of in such sort, as I shall judge may be most agreeable to his Majesties pleasure.

F As for the second part of your Letter, wherein you say, that if I desire to make use of that Pardon, his Majesty expects that I should at least forbear to magnifie my services; or out of an opinion of my own Innocency cast an aspersion upon his Majesties Justice. To this point I answer, That as I hope I shall never err in that sort of immodesty of valuing my Services, which I acknowledg

An. 1626.

acknowledge to have been accompanied with infinite weakness and disabilities; so I trust it shall not displease, that I make use, to mine own comfort, and the honour of my posterity, of those many written Testimonies which my late most blessed Master hath left me, of his gracious acceptance of my Services for the space of Twenty years. So likewise I hope the modest avowing of mine Innocency will not be thought to cast any aspersion upon his Majesties honor or Justice. I must freely confess unto your Lordship, I am much afflicted to see Inferences of this nature made, both in your Lordships last Letter, and in this. For if it shall be inferred as a thing reflecting upon the King's Honor, that a Man questioned, shall not endeavour to defend his own Innocency before he be convicted, it will be impossible for any man to be safe; for the honor of his Majesty, is too sacred a thing for any Subject, how innocent soever, to contest against. So likewise God forbid that it should be brought into Consequences, (as in your former Letter) as a Tax upon the Government and Justice of his late Majesty, and Majesty that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of Injustice in their Majesties, in all my sufferings, so I well know, That the long continuance of my troubles may well be attributed to other Causes; as to my own Errors of Passion, or other Accidents: for your Lordship may well remember, That my Affairs were almost two years since upon the point of a happy Accommodation, had it not been interrupted by the unfortunate mistaking of the Speeches I used to Mr. Clark.

I shall conclude by intreating your Lordships favor, That I may understand from you, as I hope for my comfort, that this Letter hath given his Alajesty satisfaction; or if there should yet remain any scruple, That I may have a clear and plain signification of the King's pleasure, which I shall obey with all Humility,

Your Lordships humble Servant,

B R I S T O L.

The Earl of  
Bristol Petiti-  
ons the House  
of Lords.

The Earl of Bristol petitions the House of Lords, shewing, That he being a Peer of this Realm, had not received a Summons to Parliament, and desires their Lordships to mediate with his Majesty, that he may enjoy the liberty of a Subject, and the Priviledge of his Peerage, after almost two years restraint, without being brought to a Tryal. And if any Charge be brought in against him, he prayeth that he may be tryed by Parliament.

The business is referred to the Committee of Priviledges, and the Earl of Hartford reported from that Committee, That it is necessary that their Lordships humbly beseech his Majesty, that a Writ of Summons may be sent to the Earl of Bristol; as also to such other Lords whose Writs are stopped, except such as are made uncapable to sit in Parliament, by Judgment of Parliament, or some other legal Judgment.

Hereupon the Duke signified to the House, That upon the Earl of Bristol's Petition to the King, his Majesty had sent him his Writ of Summons: And withal, shewed to the Lords the Copy of a Letter written from the King unto the said Earl, being as followeth.

The Petition  
referred to  
the Commit-  
tee of Priva-  
ledges.

We

2 Carols.

The King's  
Letter to the  
Earl of Bristol.

**A** **W**e have received your Letter addressed unto us by Buckingham, and cannot but wonder, that you should, through forgetfulness, make request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in Spain disservea of us, which you are to examine by the observations we made, and know you well remember; how at our first coming into Spain, taking upon you to be so wise, as to foresee our intention to change our Religion, you were so far from dissuading us, that you offered your advice and secrecie to concur in it; and in many other Conferences pressing to shew how convenient it was to be a Roman Catholick; it being impossible, in your opinion, to do any great action otherwise: and how much wrong, disadvantage, and disservice you did to the Treaty, and to the Right and interest of our dear Brother and Sister, and their Children; what disadvantage, inconvenience, and hazard you intangled us in by your Artifices, putting off and delaying our return home; the great estimation you made of that State, and the low price you set this Kingdom at; still maintaining, that we, under colour of friendship to Spain, aid what was in our power against them, which, they said, you very well knew: And last of all, your approving of those Conditions, that our Nuptiæ should be brought up in the Emp'ror's Court; to which Sir Walter Hilton then said, That he durst not give his consent, for fear of his head: I replied unto him, That without some such great Action, neither Marriage nor Peace could be had.

**C** Upon the receipt of the Writ, Bristol again Petitions the House of Lords, and annexes to his Petition the Lord Keeper's Letter, and his own Answer thereto, and desires to be heard in accusation of the Duke.

### The humble Petition of John Earl of Bristol.

**D** Humbly shewing unto your Lordships,

**E** **T**hat he hath lately received his Writ of Parliament, for which he returneth unto your Lordships most humble thanks, but joynly with it a Letter from my Lord Keeper, commanding him in his Majestys Name to forbear his personal attendance; and although he shall ever obey the least intimation of his Majestys pleasure, yet he most humbly offereth unto your Lordship's wise considerations, as too high a point for him, how far this may trench upon the Liberty and Safety of the Peers, and the Authority of their Letters Patents, to be in this sort discharged by a Letter missive of any Subject, without the King's hand: and for your Lordship's due information, he hath annexed a Copy of the said Lord Keeper's Letter, and his Answer thereunto.

**F** He further humbly petitioneth your Lordships, That having been, for the space of two years, highly wronged in point of his Liberty, and of his Honour, by many sinister aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the power and industry of the Duke of Buckingham, to keep him from the presence of his Majestys and the Parliament, lest he should discover many crimes concerning the said Duke.

He therefore most humbly beseecheth, That he may be heard before the

The Earl of  
Bristol Petitions  
the Lords  
upon receipt of  
his Writ.

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the point of his wrong and of his Accusation of the said Duke : wherein he will make it appear, how infinitely the said Duke hath both abused their Majesties, the State, and both the Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest Subject seeking for redress of Wrongs, nor the Accusation against any, be he never so powerful: And herein he beseecheth Your Lordships to mediate to his Majesty, for the Suppliants coming to the House, in such sort as you shall think fitting ; assuring his Majesty, That all we shall say, shall not onely tend to the service of his Majesty, and the State, but highly to the Honour of his Majesty's Royal Person, and of his Princely Vertues : And your Suppliant shall ever pray for your Lordships prosperity.

A

The Lord Keeper to the Earl of Bristol,  
March 31. 1626.

B

My very good Lord,

**B** This Majest<sup>y</sup>s commandment, I herewith send unto your Lordship your Writ of Summons for the Parliament; but withal signifie his Majest<sup>y</sup>s pleasure herein further, that howsoever he gives way to the awarding of the Writ ; yet his meaning is thereby, not to discharge any former directions for restraint of your Lordship's coming hither, but that you continue under the same restriction as you did before ; so as your Lordship's personal attendance is to be forborn ; and therein I doubt not but your Lordship will readily give his Majest<sup>y</sup> satisfaction. And so I commend my service very heartily unto your Lordship, and remain,

C

Your Lordship's assured Friend and Servant,

Dorset-Court, March 31.  
1626.

D

THO. COVENTRY, C. S.

E

His Answer to the Lord Keeper.

F

May it please your Lordship,

**I** Have received your Lordship's Letter of the 31 of March, and with it his Majest<sup>y</sup>s Writ of Summons for the Parliament ; In the one his Majest<sup>y</sup> commands me, that all excuses set aside, upon my Faith and Allegiance I fail not to come and attend his Majest<sup>y</sup> ; and this under the Great Seal of England. In the other, as in a Letter missive, his Majest<sup>y</sup>s pleasure is intimated by your Lordship, that my personal attendance should be forborn : I must crave leave ingenuously to confess unto your Lordship, that I want judgment rightly to direct my self in this Case ; as likewise that I am ignorant how far this may trench upon the Privileges of the Peers of this Land, and upon mine and their safety hereafter : For if the Writ be not obeyed, the Law calleth it a Misprision, and highly fineable, whereof we have had late examples ; and a missive Letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the Great Seal of England : On the other

2 Caroli.

other side, if the Letter be not obeyed, a Peer may, De facto, be committed upon a contempt, in the interim, and the question cleared afterwards; so that in this case it is above mine abilities. I can only answer your Lordship, that I will most exactly obey; and to the end I may understand which obedience will be, in all kinds, most suitable to my duty, I will presently repair to my private Lodging at London, and there remain, until in this, and other Causes, I shall have petitioned his Majesty, and understand his further pleasure. For the second part of your Lordship's Letter, where your Lordship saith, That his Majesty's meaning is not thereby to discharge any former directions for restraint of your Lordship's coming hither, but that you continue under the same restriction as before; so that your Lordship's personal attendance here is to be forborn: I conceive your Lordship intendeth this touching my coming to Parliament only; for as touching my coming to London, I never had at any time one word of prohibition, or colourable pretence of restraint; but on the contrary, having his late Majesty's express leave to come to London, to follow my affairs; out of my respect to his Majesty, then Prince, and to the Duke of Buckingham, I forbore to come, until I might know, whether my coming would not be disagreeable unto them. Whereunto his Majesty was please to answer, both under the hand of the Duke, and of Mr. Secretary Conway, That he took my respect unto him herein in very good part, and would wish me to make use of the leave the King had given me: Since which time I never received any Letter or Message of restraint; only his Majesty, by his Letter, bearing date June the last, commandeth me to remain as I was in the time of the King his Father, which was with liberty to come to London to follow my own affairs as I pleased, as will appear unto your Lordship, if you will afford me so much favour as to peruse them. I have writ this much unto your Lordship, because I would not, through misunderstanding, fall into displeasure by my coming up, and to intreat your Lordship to inform his Majesty thereof: And that my Lord Conway, by whose warrant I was only restrained in the late King's time, of famous memory, may produce any one word, that may have so much as any colourable pretence of debarring my coming up to London. I beseech your Lordship to pardon my desire to have things clearly understood, for the want of that, formerly, hath caused all my troubles; and when any thing is misinformed concerning me, I have little or no means to clear it; so that my chief labour is to avoid misunderstanding. I shall conclude with beseeching your Lordship to do me this favour, to let his Majesty understand, that my coming up is only rightly to understand his pleasure, whereunto I shall in all things most dutifully and humbly conform my self. And so with my humble service to your Lordship, I recommend you to God's holy protection, and remain,

Your Lordship's most humble Servant.

Sherborn, April 12.  
1626.

## B R I S T O L.

Hereupon the Lord keeper delivered this Message from the King to the House of Lords.

**T**hat his Majesty hath heard of a Petition preferr'd unto this House by the Earl of Bristol, so void of duty and respects to his Majesty, that he hath great cause to punish him; That he hath also heard with what duty and respectfulness to his Majesty their Lordships have proceeded therein, which his Majesty conceiveth to have been upon the

A Message  
from the King  
to the House  
of Lords.

An. 1626.

knowledge they have, that he hath been restrained for matters of State; and his Majesty doth therefore give their Lordships thanks for the same, and is resolved to put the Cause upon the Honour and Justice of their Lordships and this House. And thereupon his Majesty commanded him (the Lord Keeper) to signify to their Lordships his Royal pleasure, That the Earl of Bristol be sent for as a Delinquent, to answer in this House his Offences, committed in his Negotiations before his Majesties being in Spain, and his Offences since his Majesties coming from Spain, and his scandalizing the Duke of Buckingham immediately, and his Majesty by reflexion, with whose privity, and by whose directions the Duke did guide his Actions, and without which he did nothing. All which his Majesty will cause to be charged against him before their Lordships in this House.

The Lords appointed a Committee to attend the King, and to present their humble thanks to his Majesty, for the Trust and Confidence he had placed in the Honour and Justice of their House.

The Marshal of Middlesex's Petition touching Priests.

About this time the Marshal of Middlesex petitioned the Committee of the House of Commons, touching his resistance in seising of Priests Goods.

CA Warrant was made by Mr. Attorney-General, to John Tending, Marshal of Middlesex, and other therein named, to search the Prison of the Clink, and to seise all Popish and Superstitious matters there found.

A Letter also was directed to Sir George Paul, a Justice of Peace in Surrey, to pray him to take some care and pains to expedite that service. On Good-Friday, April 7. Sir George Paul was ready, by six a clock in the morning, five or six Constables being charged, and about an hundred persons to aid and assist them. The Marshal being attended with the persons named in the Warrant, and divers other of his own servants, and the Aid being provided by Sir George Paul, came to the Clink, and finding a door open, without any Porter or Door-keeper at all, entred without resistance at the first appearing: But immediately upon discovery of his purpose, the concourse of People without, and his unexpected entrance giving occasion thereto, the Porter steps up, shuts the door, and keeps the Marshal, and some few that entred together with him, within, and his Aid without, resisting them that would enter, their Warrant being shewed notwithstanding, until by force another door was broken open, by which the other persons named in the Warrant, the Marshals men, with the Constables, and others appointed for their assistance, with Halbards, did enter also, leaving sufficient company without to guard the three several doors belonging to the House.

Being within, the Marshal gave direction to his followers to disperse themselves into several parts of the house, to the end, that whilst he did search in one part, the other parts and places might be safely guarded, and so he proceedeth in his search; in the prosecution whereof he found four several Priests in the house, viz. Preston, Canfield, Harrington, Prator. Preston was committed to the Clink about sixteen years since, and discharged of his imprisonment about seven years ago, yet remained there in the Prison still, attended with two Woman-servants, and one Man-servant, who, as it was suspected, had continued with him ever since the

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2 Caroli.

A the Gunpowder-Treason, 1605. The keeping there by himself apart from the keeper of the Prison, and had for his Lodging three or four several Chambers, part of the Bishop of *Winchester's* house, into which there was passage made through the Prison-yard, no other entrance in or out of the same being discovered ; and he affirmed, That he had a Warrant or License from the Lord Archbishop of *Canterbury* for his residence there, with liberty freely for himself and all Company that would resort to him thither.

B There was found in his Chamber five or six Cart-loads of Books, set up with Shelves, as in a Library, or Book-sellers Shop, supposed to be worth Two thousand pounds at least ; besides which, it was affirmed by the keeper of the Prison, that he had a far greater Library abroad ; for which the Keeper's Examination was taken before Sir *Edm. Bower* and Sir *George Paul*, Knights, Justices of *Surrey* ; wherein it was said, that *Preston* was either licensed, warranted, or protected by the Bishop of *Canterbury*, *Durham*, or *Winchester*, to that effect. There were also found two Altars, ready furnish'd for Mass, one more publick in an upper Chamber, the other more private in a Study, many rich Copes, Surplices, Wax-candles, Crosses, Crucifixes very rich, Beads, Jewels, Chains, Chalices of Silver, and of Gold, five or six Bags of Money, which were not opened, and loose Money, to the quantity of 100*l.* thrown up and down in his Desk ; abundance of Manuscripts, and a Pacquet of Letters bound up together with a thread.

C In *Cannon's* Chamber was found an Altar ready furnished with many Plates, Jewels, Church-stuff, and many rich Pictures, divers Letters and Manuscripts, Wax-candles, and other such Popish materials ; a great deal of his Chamber being shelved about, and full of Books ; in one of his Studies also, there were Books set in order upon shelves, as in *Preston's* Chamber, to a great value, and a private Altar furnished for Mass, his Hallowed Bread ready fitted, and his Holy-water, which *Cannon* himself cast out into the Chimney. In another Study of *Cannon's* were found great store of curious Tools and Engines to work withal, three Swords or Rapiers, one Pistol, and a Fowling-piece : Amongst other things were found Pictures of Queen *Elizabeth*, King *James*, Queen *Ann*, and King *Charles* ; the taking whereof, being set a part with other stuff to be removed, did exceedingly move the Priest to impatience. Of whom also it is to be noted, that he had in his custody all the Keeper's Warrants for Commitment of his Prisoners, which were found in his Chamber, together with some store of Plate, which, he said, was by him kept for the Keeper's Wife.

E D In *Warrington's* Chamber were found Books, Beads, Boxes of Oyl for Extreame Unction, and such like trash ; but the Wall thereof was broken down into another house adjoyning to the Prison, through which, it is conceived, that all the rest of *Warrington's* Provision was convey'd away, in the interim of the search made in the two former Chambers.

F The fourth Priest, named *Prator*, was first committed to Gloucester-Gaol, being suspected to be the Archbishop of those parts, and lay there till Lent-Affizes last drew on ; but for fear of the severity of the Laws (as *Davison* and the keeper did affirm) a Warrant was procured by the Papists for his remove from Gloucester to the *Clink*, where he was found a Prisoner. It was informed by the keeper, that this *Prator* brought up from Gloucester a Gentlewoman, who lies in a Chamber next adjoyning to his Lodging, and that he paid Two shillings six pence a week for her Chamber, and maintained a Maid-servant to attend her : It is supposed, that this Prisoner

5 or 6 cart-loads  
of Books:

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is her protection from the lawful proceedings that might be had against her in the Countrey for Recusancy.

In the Porters Chambers were found seven or eight Popish Books.

In the Keeper's Lodging was found a Closet or Study, wherein store of Writtings, Letters, and long Catalogues of Books were found, with their several Prices, on rich Picture or Crucifix, a Picture of *Mary Magdalyn*; of which two, the Keeper affirmed, that one of them cost thirty pound; and also many other rich Pictures, amongst which, one was a Picture of an old Priest, named *Collington*, of whom *Cann* was affirmed, in scoffing manner, That that man's Beard had done King *James* more hurt, than an Army of ten thousand men could have done. *Preston*'s servants, being one Man, two Maids, the Gentlewoman that came from *Gloucester*, and her servant, and the Keeper himself, and *Robert Davison* his Man, were all examined before the said Justices.

During the Marshal's tarrying in the *Clink*, it was observed, that both *Preston* and *Cannon* used all the means they could to have notice of the matter then in hand given to the Lord of *Canterbury*, and were very pensive, until they perceived he had notice of it. Whereupon they expressed much joy, being assured, as they said, that then there should be nothing removed out of the house. And it came to pass accordingly: For whilst the Marshal and his servants were in the search of the third Chamber, and had locked up divers others Chambers, wherein, as it was informed, there was store of Wealth, Church-stuff, Books, and other matters, which would have been found, if the search had been prosecuted; a countermand was brought from the Archbishop, and Master Attorney, whereby the proceeding of the busines was staid, and the Marshal was forbidden to remove or take away any thing, so much as a paper.

The Keeper and his Wife, and the Priests, did grievously threaten the Marshal, and all his Assistants, with very high terms, especially with Arrests and Imprisonments for their attempt in this service; one of them saying, that they should be imprisoned, as once one *Harrison*, a Messenger, who, for performing the like service in the *Clink*, was committed to the *Marshalsey*, and kept there three years, until in the end he was discharged by an Order in the Parliament, as is credibly reported: Furthermore it is also humbly informed by the said Marshal, That upon the twenty second of *March* last, by a like Warrant from the Lord *Conway*, he did search the Bishop's Prison, called the new Prison in *Maiden-line* in *London*, where he found six several Priests prisoners in several Chambers, an Altar, with all Furniture thereto belonging, with Church-Books and Stuff, which were as much as three Porters could carry away, and it is now in the hands of the Lord *Conway*. Of which service, if this Honourable House will call for a more particular account, the Marshal is ready to give further satisfaction.

He humbly prayeth the honourable favour of this House, for his encouragement and further abilities to the like services.

Arch-

2 Caroli.

Archbishop of Canterbury's Letter in behalf of the Priests in the Clink, directed to Master Attorney-General.

A

Good Mr. Attorney,

**I** Thank you for acquainting me what was done yesterday at the Clink: But I am of opinion, that if you had curiously enquired upon the Gentleman who gave the information, you should have found him to be a Disciple of the Jesuites; for they do nothing but put tricks on these poor men, who do live more miserable lives, than if they were in the Inquisition in many parts beyond the Seas. By taking the Oath of Allegiance, and writing in defence of it, and opening some points of high consequence, they have so displeased the Pope, that if by any cunning they could catch them, they are sure to be burnt or strangled for it. And once there was a plot to have taken Preston, as he passed the Thames, and to have shipt him into a bigger Vessel, and so to have transported him into Flanders, there to have made a Martyr of him. In respect of these things, King James always gave his protection to Preston and Warrington, as may be easily shewed. Cannon is an old man, well affected to the Cause, but medleth not with any Factions or Seditions, as far as I can learn. They complain their Books were taken from them, and a Crucifix of Gold, with some other things, which, I hope, are not carried out of the house, but may be restored again unto them; for it is in vain to think, that Priests will be without their Beads or Pictures, Models of their Saints; and it is not improbable, that before a Crucifix they do often say their Prayers.

D  
I leave the things to your best consideration, and hope that this deed of yours, together with my word, will restrain them for giving offense hereafter, if so be that lately they did give any. I heartily commend me unto you, and so rest;

Your very loving Friend,

G. Canterbury.

E

Most Gracious Sovereign,

**V**Whereas Your Majestie hath been pleased of late, at sundry times and by severall means, to impart unto us your Royal pleasure, touching some passages and proceedings in this present Parliament; We do first, with unspeakable joy and comfort, acknowledge Your Majestie's grace and favour, in that it hath pleased You to cause it to be delivered unto us by the Lord Keeper of Your Great Seal in Your own Royal Presence and before both Houses of Parliament. That never King was more loving to his People, nor better affected to the right use of Parliaments; withal professing Your most gracious resolution to hear and revells our just Grievances. And with like com-

The Commons Remonstrance to the King, in answer to his Majesty's and the Lord Keeper's Speech.

F

An 1626.

soz we acknowledge Your Majestys goodness shining at the very entrance of Your glorious Reign, in commanding the Execution of the Laws established to preserve the true Religion of Almighty God, in whose Service consisteth the happiness of all Kings and Kingdoms.

Yet let it not displease Your Majesty, that we also express some sense of just Grief intermixed w<sup>t</sup> th<sup>t</sup> great Joy, to see the careful proceedings of our sincere Intentions so mis-reported, as to have wrought effects unexpected, and, we hope, undeserved.

F<sup>t</sup>st touching the Charge against us in the matter concerning Mr. Cook. We all sincerely protest, That neither the words mentioned in Your Majestys Wallage, nor any other of seditious effect were spoken by him, as ha<sup>t</sup> been resolvēd by the House without one Negat<sup>e</sup>ive voice. H<sup>w</sup>soever, in a Speech occasionally uttered, he let fall some few wordz, which might admit an ill construction; whereat the House being displeased at the delivery of them, as was exp̄essed by a general and instant Check, he forthwith so explain'd himself and his intention, that, for the present, we did forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if by impos<sup>u</sup>ntunate busines<sup>s</sup> of your Majesty's Service we had not been interrupted.

The like interruption did also besall us in the Case of Doctor Turner; wherein the Question being formerly stated, a Resolution was ordered to have been taken that very day, on which we received Your Majesty's Command to attend You.

But for our own proceedings, We humbly beseech your Majesty to be truly informed, That before that Overture from Doctor Turner, (out of our great and necessary care for your Honour and Welfare of your Realm) we had taken into serious consideration the Evils which now afflic<sup>t</sup> your People, and the Causes of them, that we might apply our selves unto the fittest Remedies: In the pursuit whereof, our Committeees (whatsoever they might have done) have in no particular proceeded otherwise, than either upon ground of knowledge in themselves, or proof by examination of Witnesse<sup>s</sup>, or other Evidence. In which course of service for the publick good, as we have not swerved from the Parliamentary ways of our Predecessors, so we conceive, that the discovery and reforming of Errōe<sup>r</sup>, is so far from laying an aspersion upon the present time and Government, that it is rather a great honour and happiness to both, yielding matter to great Princes, wherein to exercise and illustrate their noblest virtues.

And although the grievous complaints of the Merchants from all parts, together with the common service of the Subjeas well effect<sup>d</sup> to those who profess our Religion, gave us occasion to debate some businesse<sup>s</sup> that were partly Foreign, and had relation to affairs of State; yet we beseech Your Majesty to rest assured, it was exceeding far from our intention, either to traduce Your Counsellors, or disadvantage Your Negotiations.

And though some examples of great and patent Minis<sup>tr</sup>ers of Prince<sup>s</sup>, heretofore questioned in Parliament, have been alledge<sup>n</sup>, yet was it without paralleling Your Majesty's Government, or Councils, to any Times at all, much less to Times of Exception.

Touching the Letter of your Majesties Secretary, it was first al-  
leged by your Advocate for his own Justification, and after by direct-  
ion of the Committee produced to make good his Allegation.

2 Caroli.

A And for the search at the Signet Office, the Copy of a Letter being  
published as in your Majesties Name, with pregnant cause of suspi-  
cion, both in the Body and Direction thereof to be suppositious, the  
Committee out of desire to be cleared therein, did by their Order send  
some of themselves to the Signet Office, to search whether there were  
any Records of Letters of that nature, without Warrant to the  
Officer for any, much less for a general search.

B But touching publick Records, we have not searched as often as  
our busineses have required, to make search into them, wherein we  
have done nothing unwarranted by the Laws of your Realm, and the  
constant usage of Parliaments. And if for the ease of their Labors,  
any of our Committees have desired the help of the Officers, Re-  
pertories, or Breviats of Direction, we conceive it is no more  
than any Subject in his own affairs might have obtained for  
ordinary Fees.

C Now concerning your Majesties Servants, and namely, the  
Duke of Buckingham, we humbly beseech your Majesty to be in-  
formed by us your faithful Commons; who can have no private end  
but your Majesties Service, and the good of your Countrey, That it  
hath been the antient, constant, and undoubted Right and Usage of Par-  
liaments, to question and complain of all persons of what degree soe-  
ver, found grievous to the Commonwealth, in abusing the power  
and trust committed to them by their Sovereign. A course approved  
not only by the examples in your Fathers days of fam. us memory,  
but by frequent presidents in the best, and most glorieus Reigns of  
your Noble Predecessors, appearing both in Records and Histories;  
without which liberty in Parliament, no private man, no servant to  
a King, perhaps no Counsellor, without exposing himself to the hazard  
of great enmity and prejudice, can be a means to call great Officers  
into question for their misdeameaneors, but the Commonwealth might  
languish under their pressures without redress: and whatsoeuer we  
shall do accordingly in this Parliament, we doubt not but it shall  
rebound to the honor of the Crown, and welfare of your Sub-  
jects.

E Lastly, We most humbly beseech your Majesty graciously to con-  
ceive, that though it hath been the long Custom of Parliaments to  
handle the matter of Supply with the last of their busineses, yet at  
this time out of extraordinary respect to your person, and care of your  
Affairs, we have taken the same into more speedy consideration, and  
most happily on the very day of your Majesties Inauguration, with  
great alacrity and unanimous consent: After a short Debate, we  
grew to the Resolution for a present Supply well known to your Ma-  
jesty.

F To which, if Addition may be made of other great things for your  
Service, yet in consultation amongst us, we doubt not but it will ap-  
pear, That we have not receded from the truth of our first intention, so  
to supply you, as may make you safe at home, and feared abroad,  
especially if your Majesty shall be pleased to look upon the way  
intended in our promise, as well as to the measure of the gift a-  
greed.

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With like humility we beseech your Majesty not to give ear to the officious reports of private persons for their own ends, which hath occasioned so much loss of time, nor to judge our proceedings whilst they are in agitation, but to be pleased to expect the issue and conclusion of our labours, which we are confident will manifest and justify to your Majesty the sincerity and loyalty of our hearts, who shall ever place in a high degree of happiness the performing of that duty and service in Parliament, which may most tend to your Majesties Honor and the good of your Kingd.m.

The House  
Adjourned for  
a Week.

Private Ad-  
vice given to  
the Duke.

Unto this Remonstrance the King said, he could give no present answer, but desired the House to adjourn for a week as the Lords had done; and they adjourned accordingly.

In the interim it was intimated in writing to the Duke, that he should procure his Majesty to signify to a certain number of Lords, that he hath endeavored to divert the Charge against the Duke, because his Majesty hath had sound knowledge and experience of his service and fidelity.

That his Majesty may let them know, that he is now pleased to reveal some secrets and mysteries of State. That the King his Father finding the *Palatinate* more than in danger to be lost, and his Majesty being in *Spain*, and there deluded, and his abode and return both unsafe, it was a necessity of State to sweeten and content the *Spaniard* with the hope of any thing which may satisfie and redeem those Engagements. And that therefore the King willed the Duke to yield discreetly to what he should find they most desired, and this was chiefly the point of Religion; So as in this, and of the like kind, the Duke upon his Majesties knowledge was commanded, and but the Instrument trusted by the King in this Exigent, or if you will say, Extremity.

Upon the same ground, though not in so high a degree, the sending of the Ships to *Rochel* may be excused. Touching the vast creation of Nobility, his Majesty may declare, that his Father who was born a King, and had long experience of that Regiment, found, that this State inclined much to popularity; and therefore thought fit to enlarge the number of his Nobles, that these being dispersed into several Counties, might shine as Lamps of Sovereignty in protecting their own degrees, and at their own charge inure the people with respect and obedience to greatness. And the King may protest that this was a Child of his Fathers best Judgment and the Duke the Instrument thereof. And if you say, there was Money many times given for these Honors; nay if you say, that Money hath been given for places of Clergy and Judicature, take this of me, it is so in all other Countreys; as in *France* and *Spain*, &c. though I am not satisfied in this opinion. And if it be said, the King should have had the money which the Duke took to his own use, I believe this last (may the King say) is more than any man can prove; neither will I deliver what I know therein, only this I will say, I know the Dukes particular service, and affection towards me, and that he and his will lay down themselves, and all they have at my feet.

Is it for a King to use his Servant and Instrument as he doth his Horses, and being by hard riding in his service foundred and lame to turn them out to Gras or to the Cart? I must therefore (may the King say) in right of the King, my Fathers Honor, protect a man (though justly seeming guilty, yet) in my own knowledge innocent: Will you therefore

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fore deny the King to favor whom he pleaseth, which the King never denied to you that are his Subjects ; Well command me to my Lords, and tell them, that if any thing hath been formerly done amiss by others, I have power and will to redress it, and to prevent the like.

2 Caro.

A

At this time the King commanded all the Bishops to attend him, and when they were come before him, being fourteen in number, he reprehended them, that in this time of Parliament they had not made known unto him what might be profitable for the Church, whose cause he was ready to promote. And he laid this Charge upon them, that in the Cause of *Bristol* and *Buckingham*, their Consciences being their Guides, they should follow only proofs and not rumors.

The Bishops  
commanded  
to attend the  
King.

B

The Commons sent again to the Duke by Sir *John Epsley*, to let him know that they were passing Articles against him, and that they had given the Messengers to take notice thereof out of the Clerks Book, whereof he might take Copy of it if he pleased ; and that they expected his Answer that day before ten of the Clock, if he pleased to send any.

This the Duke signified to the Lords, who did not think fit that he should answer, as appears by the ensuing Report made by Sir *John Epsley*.

C

" This day his Grace gave us this Answer, (after he had moved the " Lords) that he should with great care make all due acknowledgment " of your respect and favors in giving him this notice, which though it do " invite him to render unto you such a satisfaction that he hopes may ac- " quit and restore to him your good opinion, and might prevent your " proceedings, which otherwise by a Parliamentary course are like to fol- " low; yet according to his duty, he moved the Lords of the Upper- " House, upon your notice given him, they would by no means, as " things now stand, give him leave to answer, in regard he is not igno- " rant you are presently to enter into consideration of his Majesties Mes- " sage; and that by a delay therein your own purposes will be in some " sort disappointed, and the affairs of Christendom much prejudiced; " but for that upon a resolution you have deferred and resented that ser- " vice, until those things depending against him be first determined, he " out of fear that his necessary defence would spin out a great deal of " time, which is more precious, is the willinger to obey their Lordships, " that so he might hasten without obstacle or interruption given unto " him to keep day with his Majesty; and this he doth as he conceives to " his own infinite prejudice, knowing how grievous it is to be trans- " mitted as a Grievance by the voice of this House: but he doth profess " he will rather hazard the safety of his Fortunes, Reputation, and him- " self, then to be the least occasion of any that may work dis-affection or " mis-understanding between the King and his People. And it is his " Protestation, that whatsoever interruption is made by his actions, " his endeavors shall be as long as he hath any favor with his gracious Ma- " ster, to take opportunity of doing good Offices to this House, and of " rendring all that he can be able for the safety of the State, and the ge- " neral good of the Common-wealth. And this he saith you may the " easier believe, because his Majesty can witness that he hazarded in his Fa- " thers time the loss of the best affection of the best of Masters to obtain

The Duke's  
Answer to a  
Message from  
the Commons  
reported.

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An. 1626.

"for them their desire. In this zeal he was desirous to have appeared unto you ever since the beginning of this Parliament, and in this zeal he doth now present himself unto you. But to return to the main point; he, lest we should be mistaken, gave us occasion, in plain words, to remember you that it is not he that doth refuse to answer, but the Lords commanded him not to answer, which he the cheerful-lier obeyed, in respect of his fidelity to prefer the Universal Weal before his own particular. And in the mean time he desireth the charitable opinion of this Noble House, until he be convinced that he shall appear not worthy of it, which his own innocency maketh him confident that he shall not.

Whilst the Duke stood ready to be impeacht, his Grace propounded to the Lords of the Council to have it moved to the King, that in regard of the important services by Sea, the usual pay to the Sailer's might be raised from Fourteen to Twenty shillings a Month, which was as much as they ordinarily received for Merchants wages: The King being therein moved, was consenting. Nevertheless multitudes of the pressed Marriners ran away, leaving his Majesties Ships unfurnished, and his service disappointed.

There was a great Debate in the House of Commons, whether the Committee of Twelve (where Mr. Glanvil had the Chair) shall consider of any new matter not heretofore propounded in the House against the Duke? And it was resolved in the Affirmative.

Mr. Glanvil reports from the Committee the Examination concerning a Plaster and a Posset applied and given to King James in his sickness, when the Kings sworn Physitians had agreed upon other directions. Hereupon it was resolved, That this should be annexed to the Charge against the Duke, as a transcendent presumption of dangerous consequence.

Hereupon his Majesty sent this Message to the Commons.

**T**HAT he having given way to Enquire about the Duke of *Buckingham*, and hearing that there is new matter intended to be brought against him, nevertheless leaveth the House to their own way to present the business to him, or to the Lords; withall advising them to consider of the season of the year, and to avoid all loss of time.

It was Ordered, That thanks should be returned to his Majesty for this Message.

The Earl of  
*Bristol*  
brought to  
the Bar of  
the Lords  
House.

On the Munday the first of *May*, the Gentleman-Usher brought the Earl of *Bristol* to the Bar, according to their Lordships Order; and the Lord Keeper acquainted him, That the King had commanded his Attorney-General to charge the Earl of *Bristol* before their Lordships with High Treason, and other offences and Misdemeanors of a very high nature, that they might proceed in a legal course against him, according to the Justice and usual proceedings of Parliament.

I. Offences

2 Caroli.

I. *Offences done and committed by the Earl of Bristol before his Majesties going into Spain, when he was Prince.*

A I. **T**hat the said Earl being trusted and employed by the said late King as his Ambassador to *Ferdinando*, then and now Emperor of *Germany*; now to *Phillip the Fourth* then and now King of *Spain*, in Annis 1621, 22, and 23. And having Commission, and particular and special Direction to Treat with the said Emperor and the King of *Spain*, for the plenary restoring of such parts of the Dominions, Territories, and Possessions of the Count Palatine of *Rhine*, who married with the most Excellent Lady *Elizabeth* his now Royal Consort, the only Daughter of the said late King *James*; which were then wrongfully and in hostile manner taken, and possessed with and by the Armies of the said Emperor, and King of *Spain*, or any other; and for preserving and Keeping such other parts thereof as were not then lost, but were then in the protection of the said late King *James*; and to the use of the said Count Palatine and his Children: And also to Treat with the said King of *Spain* for a Marriage to be had between the most high and Excellent Prince *Charles*, then Prince of *Wales*, the only Son and Heir Apparent of the said King *James*, and now our most Sovereign Lord, and the most Illustrious Lady *Donna Maria the Infanta of Spain*, Sister to the now King of *Spain*: He the said Earl, contrary to his duty and Allegiance, and contrary the trust and duty of an Ambassador, at *Madrid* in the Kingdom of *Spain*, to advance and further the designs of the said King of *Spain* against our said Sovereign Lord his Children, Friends, and Allies; falsely, willingly, and traiterously, and as a Traitor to our said late Sovereign Lord the King, by sundry Letters and other Messages sent by the said Earl from *Madrid*, in the years aforesaid, unto K. *James*, and his Ministers of State of *England*, did confidently and resolutely, inform, advise, and assure the said late King, that the said Emperor, and King of *Spain*, would really, fully, and effectually make restitution and plenary restauration to the said Count Palatine and his Children of the said Dominions, Territories, and possessions of the said Count Palatine, and of the said Electoral Dignity, and that the said King of *Spain* did really, fully, and effectually intend the said Marriage between the said Lady his Sister, and the said Prince our now Sovereign Lord, according to Articles formerly propounded between the said Kings: Whereas in truth, the said Emperor and King of *Spain*, or either of them, never really intended such restitution as aforesaid, and whereas the said King of *Spain* never really intended the Marriage according to those Articles propounded, but the said Emperor and the King of *Spain*, intended only by those Treaties, to gain time to compass their own ends and purposes, to the detriment of this Kingdom, (of all which, the said Earl of Bristol neither was nor could be ignorant,) the said late King *James* by entertaining those Treaties and continuing them upon those false Assurances given unto him by the said Earl, as aforesaid, was made secure and lost the opportunity of time, and thereby the said Dominions, Territories, and Possessions of the said Count Palatine, and the Electoral Dignity be-

Articles a-  
gainst the  
Earl of Bristol.

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become utterly lost; and some parts thereof were taken out of the actual possession of the said King James, unto whose protection and safe keeping they were put, and committed to the said Count Palatine; and the most Excellent Lady Elizabeth his Wife, and their Children, are now utterly dispossessed and bereaved thereof, to the high dishonor of our said late Sovereign Lord King James, to the disherison of the said late Kings Children, and their Posterity, of their antient patrimony, and to the disadvantage and discouraging of the rest of the Princes of Germany, and other Kings and Princes in Amity and League with his Majesty.

Generalities II. That the said Earl of Bristol being Ambassador for his late Majesty King James, as aforesaid, in Annis supradictis, and having received perfect, plain, and particular Instructions and directions from his said late Majesty, that he should put the King of Spain to a speedy and punctual Answer, touching the Treaties aforesaid: And the said Earl well understanding the effect of those Instructions and Directions so given unto him, and taking precise knowledge thereof; and also knowing how much it concerned his late Majesty in honor and safety (as his great Affairs then stood) to put these Treaties to a speedy conclusion: Yet nevertheless he the said Earl, falsely, willingly, and traiterously, contrary to his Allegiance, and contrary to the trust and duty of an Ambassador, continued those Treaties upon Generalities, without effectual pressing the said King of Spain unto particular Conclusions, according to his Majesties Directions as aforesaid; and so the said Earl intended to have continued the said Treaties upon Generalities, and without reducing them to Certainties and to direct Conclusions, to the high dishonour of his said late Majesty, and to the extreme danger and detriment of his Majesties person, his Crown, and Dominions, Confederates, and Allies.

discourag'd to take up Arms. III. That the said Earl of Bristol being Ambassador for his said late Majesty as aforesaid, in the years aforesaid, to the intent to discourage the said late King James, for the taking up of Arms, entring into Hostility with the said King of Spain, and for resisting him and his Forces, from attempting the Invasion of his said late Majesties Dominions, and the Dominions of his said late Majesty's Confederates, Friends, and Allies; the said King of Spain having long thirsted after an Universal Monarchy in these Western parts of the World, hath many times both by words and Letters to the said late King and his Ministers, extolled and magnified the greatness and power of the said King of Spain, and represented unto his said late Majesty, the supposed dangers which would ensue unto him, if a War should happen between them; and affirmed and insinuated unto his said late Majesty, That if such a War should ensue, his said late Majesty during the rest of his life, must expect neither to Hunt nor Hawk, nor eat his Meat in quiet: Whereby the said Earl of Bristol did cunningly and traiterously strive to retard the Resolutions of the said late King, to declare himself an enemy to the said King of Spain (who under colour of Treaties and Alliances, had so much abused him) and to resist his Arms and Forces, to the loss of opportunity of time, which cannot be recalled or regained, and to the extreme danger, dishonor, and detriment of this Kingdom.

IV. The said Earl of Bristol upon his dispatch out of this Realm of England, in his Ambassage aforesaid, having communication with divers persons of London, within this Realm of England before his going into Spain, in and about his Ambassage concerning the said Treaty: For the Negotiation

Negotiation whereof, the said Earl purposly was sent; and he the said Earl being then told, that there was little probability that these Treaties would or could have any good success, he the said Earl acknowledged as much; and yet nevertheless, contrary to his duty and allegiance, and to the faith and truth of an Ambassador, he the said Earl said and affirmed, That he cared not what the success thereof would be; for he would take care to have his Instructions, and pursue them punctually; and howsoever the busines went, he would make his Fortune thereby; or used words at that time to such effect; whereby it plainly appeareth, That the said Earl, from the beginning herein, intended not the Service or honour of his late Majesty, but his own corrupt and sinister ends, and for his own advancement.

A V. That from the beginning of his Negotiation, and throughout the whole managing thereof, by the said Earl of *Bristol*, and during his said Ambassage, He the said Earl, contrary to his faith, and duty to God, the true Religion professed by the Church of *England*, and the peace of this Church and State, did intend and resolve, that if the said Marriage so Treated of as aforesaid, should by his Ministray be effected, that thereby the Romish Religion and Professors thereof should be advanced within this Realm, and other his Majesties Realms and Dominions, and the true Religion and professors thereof discouraged and disountenanced. And to that end and purpose, the said Earl during the time aforesaid, by Letters unto his late Majesty, and otherwise, often counselled and perwaded his said late Majesty to set at liberty the Jesuits and Priests of the Romish Religion; which, according to the good, Religious and Publick Laws of this Kingdom, were imprisoned or restrained, and to grant and to allow unto the Papists and Professors of the Romish Religion, free Toleration and silencing of all the Laws made, and standing in force against them.

B C D E F G H I J K L M N O P Q R S T U V W X Y Z

V I. That by the false Informations and Intelligence of the said Earl of *Bristol* during the time aforesaid unto his said late Majesty, and to his Majesty that now is, (being then Prince) concerning the said Treaties; and by the Assurances aforesaid given by the said Earl, his said late Majesty, and the Prince his now Majesty being put in hopes, and by the said long delay used, without producing any effect, their Majesties being put into jealousies and just suspicion, that there was no such sincerity used towards them as they expected, and with so many Answers from the Earl had on their part been undertaken, the said Prince our now gracious Sovereign, was inforced, out of his love to his Countrey, to his Allies, Friends, and Confederates, and to the Peace of Christendom, who all suffered by those intollerable delays, in his own person to undertake his long and dangerous journey into *Spain*, that thereby he might either speedily conclude those Treaties, or perfectly discover, that on the Emperors and the King of *Spains* part there was no true and real intention to bring the same to conclusion, upon any fit and honorable terms and conditions, and did absolutely and speedily break them off. By which journey, the person of the said Prince being then Heir-Apparent to the Crown of this Realm, and in his person, the peace and safety of this Kingdom, did undergo such apparent, and such inevitable danger, as at the very remembrance thereof, the hearts of all good Subjects do even tremble.

Jesuits or Romish  
set at liberty by  
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Earl's meanes.

## II. Offences

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III. Offences done and committed by the said Earl  
during the time of the Princes being in  
Spain.

VII. That at the Princes coming into Spain, during the time aforesaid, the Earl of Bristol, cunningly, falsely, and traiterously moved and perswaded the Prince, being then in the power of a foreign King of the Romish Religion, to change his Religion, which was done in this manner. At the Princes first coming to the said Earl, he asked the Prince for what he came thither? the Prince at first not conceiving the Earls meaning, answered, You know as well I. The Earl replied, Sir, Servants can never serve their Masters industriously, although they may do it faithfully, unleſs they know their meanings fully. Give me leave therefore to tell you what they say in the Town is the cause of your coming, That you mean to change your Religion, and to declare it here. And yet cunningly to disguise it, the Earl added further. Sir, I do not speak this, that I will perfwade you to do it; or that I will promise you to follow your Example, though you will do it; but as your faithful Servant, if you will trust me with so great secret, I will endeavor to carry it the discreetest way I can. The Prince being moved at this unexpected motion again, said unto him, I wonder what you have ever found in me, that you should conceive I would be so base and unworthy, as for a wife to change my Religion. The said Earl replying, he desired the Prince to pardon him, if he had offended him, it was but out of his desire to serve him. Which persuasions of the said Earl was the more dangerous, because the more subtle: whereas it had been the Duty of a faithful Servant, to God and his Master, if he had found the Prince staggering in his Religion, to have prevented so great an error, and to have perswaded against it, so to have avoided the dangerous consequence thereof to the true Religion, and to the State, if such a thing should have hap-

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Bristol subtled  
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King James, Jr.  
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VIII. That afterwards during the Princes being in Spain, the said Earl having conference with the said Prince about the Romish Religion, he endeavored falsely and traiterously to perswade the Prince to change his Religion, and to become a Romish Catholick, and to become obedient to the usurped Authority of the Pope of Rome: and to that end and purpose, the said Earl traiterously used these words unto the said Prince, That the State of England never did any great thing, but when they were under the obedience of the Pope of Rome, and that it was impossible they could do any thing of note otherwise.

IX. That during the time of the Princes being in Spain, the Prince consulting and advising with the said Earl, and others about a new offer made by the King of Spain touching the Palatinates Eldest Son to marry with the Emperor's Daughter, but then he must be bred up in the Emperor's Courts; the said Earl delivered his opinion, That the Proposition was reasonable; whereat when Sir Walter Aston then present, falling into some passion, said, That he durst not for his head consent to it; the Earl of Bristol replied, that he saw no such great inconvenience in it; for that he might be bred up in the Emperors Court in our Religion.

2 Caroli.

on. But when the extreme danger, and, in a manner, the impossibility thereof, was pressed unto the said Earl, he said again, That without some great action, the Peace of Christendom would never be had; which was so dangerous, and so desperate a Counsel, that one near the Crown of England should be poisoned in his Religion, and become an unfriend to our State, that the consequences thereof, both for the present and future times, were infinitely dangerous; and yet hereunto did his disaffection to our Religion, the blindness in his judgment, misled by his sinister respects, and the too much regard he had to the House of Austria, lead him.

### III. Offences done and committed by the said Earl after the Prince's coming from Spain.

X. **T**HAT when the Prince had clearly found himself and his Father deluded in these Treaties, and hereupon resolved to return from the Court of Spain; yet because it behoved him to part fairly, he left the powers of the Desponsories with the Earl of Bristol, to be delivered upon the return of the Dispensation from Rome, which the King of Spain insisted upon; and without which, as he pretended, he would not conclude the Marriage. The Prince foreseeing and fearing lest after the Desponsories, the Infanta that should then be his Wife, might be put into a Monastery, wrote a Letter back to the said Earl from Segovia, thereby commanding him not to make use of the said Powers, until he could give him assurance, that a Monastery should not rob him of his Wife; which Letter the said Earl received, and with speed returned an Answer thereto in England, persuading against this Direction, yet promising obedience thereunto. Shortly after which, the Prince sent another Letter to the said Earl into Spain, discharging him of his Father's Command. But his late Majesty, by the same Messenger, sent him a more express direction, not to dispatch the Desponsories, until a full conclusion were had of the other Treaty of the Palatinate, with this of the Marriage; for his Majesty said, That he would not have one Daughter to laugh, and leave the other Daughter weeping. In which Dispatch, although there were some mistaking, yet in the next following, the same was corrected, and the Earl of Bristol tied to the same restriction, which himself confessed in one of his Dispatches afterwards, and promised to obey punctually the King's command therein; yet nevertheless, contrary to his Duty and Allegiance, in another Letter sent immediately after, he declared, That he had set a day for the Desponsories, without any assurance, or so much as treating of those things which were commanded to him as Restrictions; and that so short a day, that if extraordinary diligence, with good success in the Journey, had not concurred, the Prince's hands might have been bound up; and yet he neither sure of a Wife, nor any assurance given of the Temporal Articles. All which, in his high presumption, he adventured to do, being an express breach of his Instructions; and if the same had not been prevented by his late Majesty's vigilancy, it might have turned to the infinite dishonour and prejudice of his Majesty.

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XI. Lastly, That he hath offended in a high and contemptuous manner, in preferring a scandalous Petition to this Honorable House, to the dishonor of his Majesty of blessed memory, deceased, and of his Sacred Majesty that now is, which are no way sufferable in a Subject towards his Sovereign; and in one Article of that Petition specially, wherein he gives his now Majesty the Lie, in denying and offering to falsifie that Relation which his Majesty affirmed, and thereunto added many things of his own remembrance to both Houses of Parliament.

ROBERT HEATH.

The Earl of  
Bristol's ex-  
pressions at  
the time of his  
Accusation.

The Earl of *Bristol*, upon the Attorney-General's accusing him of High-Treason, thus exprest himself.

**T**hat he had exhibited his Petition to the House, *April 19.* that he might come up and be heard in his Accusation of the Duke of *Buckingham*, and that thereupon, he being a Peer of this Realm, is now charged with Treason. That he had heretofore informed the late King of the Duke's unfaithful service, and thereupon the Duke laboured, that he might be clapt up in the *Tower* presently upon his return out of *Spain*: That he importuned the late King, that he might be heard before himself, and his Majesty promised it; I pray God (said he) that that promise did him no hurt, for he died shortly after: And for the King's promise, he vouched the Lord Chamberlain for a Witness; and he desired the Lords to take notice, that their House was possessed already of his said Petition, and of his Accusation of the said Duke: And therefore desired first, that they would receive his Charge against the Duke and the Lord *Conway*, and not to invalid his Testimony against them by the King's Charge against him; and that he might not be impeached, till his Charge of so high a nature be first heard.

So he tended to the House the Articles against the Duke, which the Clerk received, and he withdrew, and his Petition exhibited the 19. of *April*, was read; and the Lords resolved upon the Question, That the said Earl's Charge against the Duke of *Buckingham*, and the Lord *Conway*, should be presently read.

The Earl being shortly after called in again to the Bar of the Lord's House, concerning his Articles against the Duke, made this Speech.

The Earl of  
Bristol's  
speech at the  
Bar of the  
Lords House,  
at the delivery  
of his Articles  
against the  
Duke.

**F**irst, he craved pardon of their Lordships for his earnest Speeches the other day, confessing them to have been in passion, saying, That unexpected accusation of Treason would warm any honest heart, but would hereafter mend it. Then he rendred their Lordships humble thanks, for their manner of proceeding against him; and desired to know from Mr. Attorney, whether that were his whole Charge or not. Mr. Attorney answered, That he had commandment to open no more against him; peradventure upon the opening of the Charge, some particulars might arise, and be urged, but no new matter should.

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" Then the Earl desired to know of Mr. Attorney, who was the Relator to his Charge, and that he might understand who was his Accuser. " Mr. Attorney answered, That the King himself, out of his own mouth, had given him directions for his own Relation against him, and corrected many things that were added. Unto which the Earl answered, " That he would not contest with the King, neither did it beseem him so to do; neither esteemed he his life or his fortunes so much, as to save them by contesting with his Sovereign; and therefore would make no Reply or Answer, were it not that his Religion and Honor were jointly questioned with his life; but this being to descend to his Posterity, for their sakes he was an humble suitor unto his Majesty, that he would not take indignation at his own just defence, yet would he be ready to make any humble submission to his Majesty; and heartily desired some means might be made, that he might make it personally to himself, wherein he would submit himself most willingly to some such act of humiliation and submission, (not wronging his innocence) that never Subject did towards his Sovereign: And also that his Majesty would be pleased to set himself in his Throne of Justice, and declare out of his Royal Justice, that he would have the Duke and him upon equal terms, and that neither of their causes should be advanced before others.

" These were his humble Petitions, which he besought their Lordships to present unto his Majesty, and to take into their considerations, of how dangerous a consequence it would be, if the King should be Accuser, Judge, Witness, and should have the Confiscation. As touching the Charge against him, he said, He had once answered it all, except that of his Petition; and he doubted not but to clear himself before their Lordships of every particular of it. He said, He expected not to have heard of this again, having once answered it: He rather expected to have been charged with some practise with Spain against the State; or the receipt of Ten or Twenty thousand pounds, for the persuading and procuring of the delivery up of some Town, of which the Crown was in possession, as might be the Town of *Billingham*, the *Brill*, or the like; or for being the means of lending the King's Ships to a Foreign Nation, and that against those of our own Religion; or for revealing his Majesty's highest Secrets, which none above two or three dares know; or for threatening the greatest affairs, as it were by his own Authority, without formal Instructions in the points; for having taken Rewards, or been corrupted by a Foreign Prince; or to have broken his Instructions in any Ecclesiastical point; or, as the Law calleth it, to have committed an over Act of disloyalty, and not to be charged after seven Ambassages with Discourses and Inferences.

" Then he desired their Lordships, that he might have a Copy of his Charge in writing, and time allowed him for his Answer, and Counsel assigned him to plead his Cause; and said, There was a great difference between the Duke of *Buckingham* and him; for the Duke was accused of Treason, and yet at large, and in the King's favour; and he being accused but of that which he had long since answered, was a Prisoner: And therefore he moved, that they might be put in equal condition.

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" And as touching the Lord Conway, in as much as he had given in  
 " Articles against him, he desired his Lordship he might not meddle in  
 " that particular business, or use the King's name against him *ex officio* ;  
 " he also besought their Lordship's to be suitors to his Majesty on his  
 " behalf, that all the particular Dispatches of his own Ambassages, and  
 " Sir Walter Aston's might be brought thither, and that he might make  
 " use of them for his defence, as his Evidence : Then he desired their  
 " Lordship's, not to think it tedious for him to proceed , and lay open  
 " his Case unto them : Which being granted, he began as followeth.

He lays open  
his Case to the  
Parliament.

**H**E said, That he had the honour to serve the late King his Master, of happy memory, for the space of twenty years, and a long time as a Counsellor, and in seven Foreign Ambassages : In all which time, in point of his Negotiation, he had never received one check or rebuke, until the return of the Duke of Buckingham out of Spain ; and therefore from thence he would begin his present Narration.

" The very day that his Majesty departed from Spain, he was pleased to tell him, That he had noways offended him, but did him the honour to trust him with the custody of the powers for his Marriage; and after his return into England, wrote unto him some Letters, which did in no kind express any distrust or displeasure against him. About the same time he wrote unto his Majesty several Letters, as in duty he was bound, not for any earthly respect whatsoever, to conceal from him the true estate of his affairs ; in which Letter he set down truly and honestly, That he conceived, that the distastes grown there betwixt the King of Spain and his Ministers, and the Duke of Buckingham, would disorder and utterly overthrow all his affairs, if his wisdom prevented it not, *hinc illæ lachryme* : The Duke of Buckingham got a sight and knowledge of the Letters ; and fearing lest the Earl, at his return, should discover unto his said late Majesty his practises and misdemeanors in Spain, he resolved, That his access to the King was no ways to be admitted, and therefore laboured and endeavoured, that he might be committed to the Tower, presently upon his arrival ; and conceiving that the Lord Marquis Hamilton, in regard of his Friendship with the Earl, and the Alliance which was then intended between them, might oppose his course, he earnestly pressed him therein, and moved him to deal with my Lord Chamberlain to the same purpose, vowing, That there was no hurt intended to the Earl, but onely that he feared, that if he should be admitted to the King, he would cross and disturb the course of affairs : But they were so honourable, that neither of them would condescend thereunto ; and so that intention of his took no effect : And therein the Earl desired my Lord Chamberlain, that he would be pleased, upon his Honour, to deliver his knowledge.

The Lord  
Chamberlain  
attests the  
truth of what  
the Earl had  
said.

" This design of the Duke not taking, he fell upon other things, indeed to have frightned the Earl out of his Country and Honor ; and thereupon laid some great and sinister aspersions upon him in both Houses of Parliament, thinking thereby to have terrified him, that he should not return, saying, That if he kept not himself where he was,

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The Earl  
proceeds.

" and laid hold of those great offers which he heard were made unto him  
" in Spain, it would be worse with him.

Then the Earl of Bristol proceeded, and said,

" That the knowledge of these aspersions cast upon him in the Parliament, came first unto him at Burdeaux in France, where he was coming home at leisure in the company of his Wife and Family, having formerly sent a Post of purpose to the Lord Conway, to know if his speedy return would be any way useful to his Majesty's service: Who answered him, that he might very well return at leisure with his Family. And in the mean time he was fallen upon by the Duke of Buckingham in Parliament, in such sort as your Lordship's well remember; of whose Declaration, he said, he would boldly affirm unto their Lordships, that there was scarce any one thing concerning him in it, which was not contrary to, or different from the truth.

" From Burdeaux the Earl took Post, making hast, for that he hoped to clear his Honour in Parliament before it should break up; and being arrived at Calais, he sent over to have one of the King's Ships; for which there was publick order given: but although both Wind and Weather were as fair as could be, and the King's Ship's lay at Boloigne, having carried over Count Mansfield, and might every day within three hours have been with him, yet the Ship came not in eight dayes expectance; so that the Earl, fearing the Parliament would be dissolved, was enforced to pass the Sea in a Boat with six Oars, as he did, having with him Thirty or forty thousand pounds of the King's Jewels.

" Upon his landing at Dover, hoping that if his Arrest should have been deferred till his coming to London, he might have gotten directly to the King's presence, which the Duke resolved was by no means to be admitted: The Earl was there, by a Letter of the Lord Conway's, delivered unto him by a Servant of his, in his Majesty's name, commanded to retire himself to his house, and not to come to the Court, or the King's presence, until he should have answered to certain Questions, which his Majesty would appoint some of the Lords of the Council to ask him. Hereupon he sent presently to his Majesty, who sent him word, That his restraint was neither for any ill meaning unto him, nor that it should last long, but was intended for his good, to keep the Parliament from falling violently upon him. And the same reason the Duke alledged to some of his friends: and all those his troubles, which have followed upon his first restraint, have been procured by the Duke's Art under colour of Favour. But the Earl having received his Message from the King, became a most humble suitor unto his Majesty, that he would expose him to the Parliament; for that if he had not served him honestly in all things, he deserved no favour, but to be proceeded against with all severity. And in this particular he pressed the King, as far as could stand with duty and good manners; but received answer from his Majesty, That there should but few more days pass, before he would put an end to his affairs. And about this time the Parliament was dissolved.

" He still continued his solicitation to be admitted to the King's presence; who sent him word, and confirmed it by Oath, That as soon as he should have answered the Questions which the Commissioners were to propound to him, he would both see him and hear him, and wondred that he should so much doubt thereof. He then sollicited "with

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"with all earnestnes to have the Questions sent unto him, which was promised should be within few days. In the interim, his Majesty being desirous, that the business should have been accommodated, sent secretly to him by a Gentleman (who is ready to depose it) this Message; "That he should write a fair Letter to the Duke, and leave the rest to him. Hereupon the Duke sent a Gentleman (one Mr. Clark) with fair Propositions, offering to procure him whatsoever he could reasonably pretend; only he must not be admitted to the King's presence for some time; and that the Duke would have the disposing of his Vice-Chamberlain's place, having been therein formerly engaged. The Earl told the Gentleman, That to condescend to any such course, were joynly to confess himself faulty in some kind, which he would not do for any respect in the world; and let him know the great wrong that the Duke had already done him; and therefore it would be more honourable for him to procure some reparation, than to press him further. Moreover, not by way of Message, but by way of Information of the said Mr. Clark, he let him know, how fit it were for the Duke not to press these things, who could not but be conscious of his own Faults, and knew his Innocency; and withall shewed him a Paper that had made ready for the King, containing the Particulars wherein the Duke had dispranged him.

"Mr. Clark making the Duke acquainted herewith, the Duke wrote a Letter the next day to the Earl, bearing date 7 July, telling him, "That he had willingly intended the accommodation of his affairs; but by what he had now said to Mr. Clark, he was disengaged, unless he should be pleased to relent it. Whereupon the Earl answered with that directnes he thought befitting him in point of Honor. The course of Mediation was interrupted, and the Duke so far incensed, that he swore he would have him questioned for his life. In the Interim (which the Earl desired might be known to the Lords) his late Majesty was so far from thinking him a Delinquent, or any way dishonest, that he was often heard to say and swear, That he held him an honest man, and that he would answer for him, that he had neither committed Felony nor Treason. And this divers are ready to depose. The which he well confirmed, for that he gave general leave to all Gentlemen of the Court, Privy-Counsellors, and to his Secretary of State, to have free access unto him; yea, even so far, as to admit of Visits and Entercourses with Spanish Ambassadors, and the Padre Maestre, as is best known to my Lord Conway, by whose Letter he received his Majesty's leave in that particular.

"Then he resumed the state of his business where he left it, which was in the hands of the Commissioners, and they were to frame Interrogatories for him; the which, although they had promised should be sent him within a few days, yet such Art was used, that six or seven weeks were spent in the framing of them, to the end that his Majesty's Progress beginning, there might be no means for the further clearing of the business: And so supposing, that for the Answering of the Twenty Interrogatories of so high a nature, the Earl would take some time, they caused the said Interrogatories to be delivered unto him within a few days before the beginning of the Progress; but he used so much diligence, that he made ready to answer *in persona*, though it were in the nature of a Delinquent. Unto which his Majesty answered most graciously, That out of his favour, and for that he would not do him wrong,

"he

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" he would not admit of it, but that he should send his Answer, and he  
 " would instantly put an end to his businesles; as will appear by Letters.  
 " Hereupon the Duke was put into a great strait how to keep him any  
 " longer from his Majesty, but desired that onely a few Questions more  
 " might be asked of him; which the King, upon great urging and in-  
 " stance, condescended unto, so that the Questions might be presently  
 " sent him: But herein were such Artifices used, that the bringing of any  
 " was delayed until the King had begun his Progress; and then, within  
 " a day or two, the Lord Conway sent him word, That he had order in-  
 " deed for the sending of him some more Questions, but out of his affecti-  
 " on to him he forbore the sending of them, unless he should pres for  
 " them. Whereupon the Earl instantly wrote unto him, that they might  
 " be sent unto him. My Lord Conway made him answer by his Letter,  
 " That he wished rather the course of Mediation might be pursued, for  
 " that would but further exasperate; but if he would needs have the  
 " Questions, they should be sent to him. Wh ereupon he sent to solli-  
 " cite his Lordsh:p for them with all earnestness, insomuch as to petition  
 " his late Majesty twice, that the said Questions might be sent: But  
 " when the turn was served of keeping him from the King's presence, the  
 " said Questions were never more heard of till this day.

C

" So likewise the Earl having sent his Answer to all the Commissio-  
 " ners who most of them made not nice to declare, that they were fully  
 " satisfied; and when it was perceived that the Commissioners would  
 " certainly clear him, and that he thereby should be restored unto his  
 " Majesty's favour, they were never more permitted to meet: A pro-  
 " ceeding which, as he conceived, their Lordship's would think hardly  
 " to be parallel'd, that a Commission should be appointed to condemn,  
 " if there had been cause, but not to clear.

D

" After the Progress was ended, he began again to sollicite his Majesty,  
 " and wrote particularly unto the Duke of Buckingham. Whereupon the  
 " Duke was pleased to send four or five Propositions, which he desired  
 " he should acknowledge; the which Propositions contained nothing but  
 " what had been already propounded and satisfied in the former Inter-  
 " rogatories: And if he would make his acknowledgment, he then  
 " promised to employ his force and power with the King and Prince, that  
 " he should be admitted to kiss their hands, and be received into their  
 " gracious favour; but otherwise, in a menacing sort, That he should  
 " lay his hands upon his breast, and so that would be best for him.  
 " And in the Preface of the said Propositions, he writeth these words  
 " which follow, *It is an assertion not granted, that the Earl of Bristol, by  
 his Answer had satisfied either the King, the Prince, or me of his Innocen-  
 cy.* A presumptuous commination for any Subject.

E

" But these Propositions were so unjust, that he wrote unto the  
 " Duke, that instead of an acknowledgment, he had sent him an Answer  
 " unto them; unto which, if either himself, or any man living, was able to  
 " reply, he would submit himself to any thing that should be demanded.  
 " But this no way satisfied the Duke, although it did his late Majesty,  
 " who, in the Duke's presence, said, *I were to be accounted a Tyrant, to en-*  
*" joyn an innocent man to confess faults, of which he was not guilty.* And  
 " thereupon sent him word, That he should make his Answer, but ac-  
 " knowledge nothing he was not faulty in. And although he received  
 " this Message from the King's own mouth, as will be deposed, yet the  
 " Duke at the same time wrote unto him, That the conclusion of all that  
 " had

An. 1626.

" had been treated with his Majesty, was, That he should make the Acknowledgment in such manner, as was set down in this Paper. And at this time likewise it was, that his Majesty sent him word, That he would hear him concerning the D. of Buckingham, as well as he had heard the Duke concerning him. And this was not long before his Majesty's sickness: And in the interim, as he had heard by several ways, the King suffered much, and was infinitely pressed by the Duke concerning the said Earl and his affairs; and this, he said, was the suffering he had spoken of to their Lordships the other day.

" The Earl craved leave of their Lordships to specifie some other particulars, whereby it should appear, that his Majesty was in no kind ill opinion'd of him till his dying-day; viz. That several persons will de pose, that they have heard his Majesty say, That he esteemed him an honest man; and that he was pleased to accept of Toys by way of Present from him, graciously, and in good part; and at last was likewise pleased to give him leave to come to London, and to follow his own affairs; and that his pleasure was signified unto him by the Duke his own Letter. Whereupon he determined to come to London, intimated to the Duke his intention of going to his Lodging at Whitehall; but the Duke was therewith incensed again, and said, He mistook the King's meaning, which was, that he might privately follow his own busines. And this, he said, was the true state and condition, when it pleased God to take unto his mercy his late most gracious Majesty.

" Upon his Majesty's coming to the Crown, he said, He wrote a most humble Letter unto his Majesty, imploring his grace and goodness, and desiring the Duke's Mediation. But he was pleased to answer by his Letter of 7 Maii, 1625. That the resolution was to proceed against him, without a plain and direct confession of the point which he had formerly required him to acknowledge; and in a Courtly manner of menace telleth him, That he would take the freedom to advise him, to bethink himself in time what would be most for his good. But in the interim, his Majesty was graciously pleased, that his Writ of Parliament should be sent him; and thereupon he wrote unto the Duke of the receipt of the said Writ, but that he should do nothing but what he should understand to be most agreeable to his Majesty's pleasure. Whereunto the Duke answered, in his Letter of May, in this manner: *I have acquainted his Majesty with your requests towards him, touching our summons to the Parliament, which he taketh very well, and would have you rather make excuse for your absence, notwithstanding your Writ, than to come your self in person.* Whereupon he sent humbly to desire a Letter of leave under his Majesty's hand for his Warrant; but instead thereof, he received from the L. Conway an absolute prohibition, and to restrain and confine him in such sort, as he hath been in the late King's time: and though he was indeed absolutely set free, he could never get clear'd by the L. Conway, though he sent him all the Papers to examine; and when he could make no further reply, he said, He conceived he was under restraint, and that his Liberty expired with the late King's death; when indeed Restraint may expire, but Liberty is natural. After this, he continued for the space of threè quarters of a year in the Countrey without moving, in which time he was removed from those places and Offices he held, during his late Majesties life; and the greatest part of his Estate being laid out in their Majesties service, by their particular appointment, he could never be admitted so much as to the clearing of Accompts. Yet hereof

A

B

C

D

E

F

*Carol.*

A

" hereof he made the least complaint : But against the time of his Ma-  
" jesties Coronation, he thought it fit to lay hold of that occasion, when  
" Princes do Acts of grace and favor, to be a most humble Suitor to his  
" Majesty for his grace and goodness ; and addresed his Letters unto  
" the Duke of *Buckingham*, from whom he received a Letter all written  
" in his own hand, and therein a Letter inclosed from his Majesty, so dif-  
" ferent from some gracious Message which he had received from his Ma-  
" jesty since the said Earl returned into *England*, upon the occasion of a  
" great sickness ; and likewise from his speeches several times delivered  
" to his Wife, to wit, That he had never offended him, and that for his  
" faults he no ways held them criminal, but to be expiated by an easie  
" acknowledgment ; That he confessed he knew not what judgment to  
" make of the said Letter, neither hath presumed hitherto to make any  
" Answer thereto ; although by reducing the occasion of speeches, and  
" circumstances to his Majesties memory, he no wayes doubteth but he  
" shall be able to give unto his Majesty such satisfaction to every parti-  
" cular as his Majesty would not remain with the least scruple in any  
" one point.

B

" After this he said, that his Writ of Parliament was detained ; where-  
" upon he addresed himself to the Lord Keeper, that he would be a Sui-  
" tor to his Majesty for him in that behalf : which diligences not taking  
" effect, by Petition he became a Suitor to their Lordships for their Hono-  
" rable mediation to his Majesty, and thereupon his Writ of Parliament  
" was awarded : But the Duke of *Buckingham* upon that took occasion, as  
" as he had published Copies of the said Letter over all the Kingdom, to  
" read it likewise in that honourable House, as was best known unto their  
" Lordships, and the Writ was accompanied with a Prohibition from the  
" Lord Keeper ; whereupon he addresed himself for Justice to that Ho-  
" norable House, (being possessed of his Cause by his Petition) for both  
" redress of his own wrongs, and likewise of Complaints against the  
" Duke for many Crimes : And that Honorable House being possessed  
" of his Cause by his Petition, there is preferred against him a succeeding  
" Complaint amounting as high as Treason (as it is pretended) although  
" he for divers years hath not been questioned ; yet since his complaint  
" against the Duke he hath been fetcht up like a Prisoner, and brought  
" into the House as a Dilinquent ; and the Duke, of whom he hath com-  
" plained for his great Crimes, is admitted still to sit in the House as one  
" of his Judges. The which, with all that he hath formerly said, toge-  
" ther with his Life, Fortunes and Honor, he did with all willingness, hu-  
" mility and duty, submit to the Justice and Honor of that House.

C

Then the Lords asked him, when he would bring in his Answer ?  
" He promised to answer as soon as might be, but knew not how far he  
" should have occasion to use his antient Dispatches. The Lord  
" Keeper told him, that Mr. Attorney might help him by letting him  
" know it : The Attorney said, that his Charge should in nothing  
" look further back then to the year 1621. Which he desired might be  
" recorded.

D

Whereupon the Earl thanking their Lordships for their patience, he  
" was carried away by Mr. Maxwell the Gentleman Usher, in whose  
" house and custody he remained.

E

Then were read the Earls Articles against the Duke and the Lord  
Conway, viz.

An. 1626.

*Articles of the Earl of Bristol, whereby he chargeth  
the Duke of Buckingham, bearing Date the  
First day of May, 1626.*

The Earl of  
Bristol's Arti-  
cles against  
the Duke.

I. **T**HAT the Duke of *Buckingham* did secretly combine with the Conde of *Gondomar* Ambassador for the King of *Spain*, before his the said Ambassadors last return into *Spain*, in the Summer

*An. 1622* To carry his Majesty (then Prince) into *Spain*, to the end he might be informed and instructed in the Roman Religion, and thereby have perverted the Prince, and subverted the true Religion, established in *England*: From which misery this Kingdom (next under Gods mercy) hath by the wise, religious, and constant carriage of his Majesty, been almost miraculously delivered, considering the many bold and subtle attempts of the said Duke in that kind.

II. That Mr. *Porter* was made acquainted therewith, and sent into *Spain*; and such Messages at his return framed, as might serve for a ground to set on foot this Conspiracy; The which was done accordingly, and thereby the King and Prince highly abused, and their Consents thereby first gotten to the said Journey, that is to say, after the return of the said Mr. *Porter*, which was about the end of *December*, or the beginning of *January* 1622. whereas the said Duke had plotted it many months before.

III. That the said Duke, at his arrival in *Spain*, nourished the Spanish Ministers, not only in the belief of his own being Popishly affected, but did (both by absenting himself from all Exercises of Religion constantly used in the Earl of *Bristol*'s house, and frequented by all other Protestant *English*), and by conforming himself to please the *Spaniards* in divers Right of their Religion, even so far as to kneel and adore their Sacrament) from time to time give the *Spaniards* hope of the Prince his Conversion: The which Conversion he endeavoured to procure by all means possible: and thereby caused the Spanish Ministers to propound far worse Conditions for Religion, than had been formerly by the Earl of *Bristol* and Sir *Walter Afton*, settled and signed under their Majesties hands, with a Clause in the King of *Spain*'s Answer of December 12. 1622. that they held the Articles agreed upon sufficient, and such as ought to induce the Pope to the granting of the Dispensation.

IV. That the Duke of *Buckingham* having several times in the presence of the Earl of *Bristol* moved and pressed his late Majesty; at the instance of the Conde of *Gondomar*, to write a Letter unto the Pope, and to that purpose having once brought a Letter ready drawn, wherewith the Earl of *Bristol*, by his Majesty, being made acquainted, did so strongly oppose the writing of any such Letter, that during the abode of the said Earl of *Bristol* in *England*, the said Duke could not obtain it; yet not long after the Earl was gone, he procured such a Letter to be written from his said late Majesty unto the Pope, and to have him stiled [*Sandissime Pa-ter.*]

V. That the Pope being informed of the Duke of *Buckingham*'s inclination and intention in point of Religion, sent unto the said Duke a particular Bull in Parchment, for to perswade and encourage him in the per-  
version of his Majesty then Prince.

VI. That

A VI. That the said Duke's behaviour in *Spain* was such, that he thereby so incensed the King of *Spain* and his Ministers, as they would admit of no reconciliation, nor further dealing with him. Whereupon the said Duke seeing that the Match would be now to his disadvantage, he endeavoured to break it, not for any service to the Kingdom, nor dislike of the Match in it self, nor for that he found (as since he hath pretended) that the *Spaniards* did not really intend the said Match, but out of his particular ends and his indignation.

B VII. That after he intended to cross the Marriage, he put in practice divers undue courses; as namely, making use of the Letters of his Majesty (then Prince) to his own ends, and not to what they were intended; as likewise concealing divers things of high importance from his late Majesty, and thereby overthrew his Majesty's purposes, and advanced his own ends.

C VIII. That the said Duke, as he had with his skill and artifices formerly abused their Majesties, so to the same end he afterwards abused both Houses of Parliament by his sinister Relation of the carriage of Affairs, as shall be made appear almost in every particular that he spake unto the said Houses.

D IX. As for scandal given by his personal behaviour, as also the employing of his power with the King of *Spain* for the procuring of Favors and Offices which he bestowed upon base and unworthy persons for the recompence and hire of his Lust; These things, as neither fit for the Earl of *Bristol* to speak, nor indeed for the House to hear, he leaveth to your Lordships wisdom how far you will be pleased to have them examined; It having been indeed a great Infamy and Dishonour to this Nation, that a Person of the Dukes great quality and imployments, a Privy-Counsellor, an Ambassador, eminent in his Masters Favour, and solely trusted with the Person of the Prince, should leave behind him in a Foreign Court so much scandal, as he did by his ill behaviour.

E X. That the Duke hath been in great part the Cause of the ruine and misfortune of the Prince *Palatine* and his Estates, in as much as those Affairs had relation unto this Kingdom.

F XI. That the Duke of *Buckingham* hath in his Relations to both Houses of Parliament wronged the Earl of *Bristol* in point of his Honor, by many sinister aspersions which he hath laid upon him, and in point of his Liberty, by many undue Courses, through his power and practices.

XII. That the Earl of *Bristol* did reveal unto his late Majesty both by word and Letter, in what sort the said Duke had diserved him and abused his trust: And that the King by several ways sent him word, That he should rest assured he would hear the said Earl, but that he should leave it to him to take his own time. And thereupon, few days before his sickness, he sent the Earl word, that he would hear him against the said Duke, as well as he had heard the said Duke against him. Which the Duke himself heard; And not long after his Blessed Majesty sickened and died, having been in the interim much vexed and pressed by the said Duke.

An. 1626.

*Articles of the Earl of Bristol against the Lord Conway, bearing Date 1 May, 1626.*

The Earl of  
Bristol's  
Articles a-  
gainst the  
Lord Conway.

I. That the Lord *Conway* is so great a Servant of the Duke of *Buckingham's*, that he hath not stuck to send the Earl of *Bristol* plain word, That if businesles could not be accommodated betwixt him and the Duke, he must then adhere and declare himself for the said Duke ; and therefore unfit to be a Judge in any thing that concerneth the Duke or the Earl.

II. That the said L. Conway professeth himself to be a Secretary of the Duke of Buckingham's Creation, and so acknowledgeth it under his own hand: And although that he be the Kings Secretary of State, and a Privy-Councillor, he usually beginneth his Letters to the Duke, [Most gracious Patron.]

III. That as a Creature of the said Duke's, the said Lord *Conwy* hath been made the Instrument of keeping the Earl of *Bristol* from the Kings presence, and of Imprisoning of him by Warrants only under his own hand; for which he cannot (as the Earl conceiveth) produce any sufficient Warrant.

IV. That by the space of twelve Months last past, the said Lord Conway hath been the Cause of the Earls restraint, only by misinforming his Majesty, and procuring a Letter of restraint upon undue grounds: And when it was made apparent unto him, that the said Earl was restored to his liberty freely to follow his own affairs by his late Majesty of blessed memory, he replied, That that liberty given him by his Majesty expired with the King's death.

V. That the Earl of Bristol's Mother lying sick upon her death-bed, desired for her comfort to see her Son, and to give him her last blessing: Whereupon the Earl Writ to the L. Conway, to desire him to move the King for his leave; which he putting off from day to day, told the person implored, That by reason of the Dukes sickness he could not find opportunity to get the Dukes leave to move the King; And having spoken with the Duke, he made a Negative answer in the King's Name. Wherewith the Earl acquainting the King by some of his Bedchamber, his Majesty was in a very great Anger, Swearing the Secretary had never moved him, and that to deny the laid Earl leave, was a barbarous part; and thereupon sent him presently free leave, which the Secretary hearing of, sent afterwards a Letter of leave, but with divers clauses and limitati-  
ons differing from the leave sent him from the King's own Mouth.

VI. That the having the businesses of the Earl of Bristol in his own hands, and the Earl being commanded by the King to addres himself in his occasions unto his Lordship, He would never deliver any Message from the said Earl, without acquainting the said Duke, and receiving his directions, and in a noble manner of freeness stuck not to send him word.

VII. That the Earl of *Bristol* having received from the Lord *Conway* Twenty Interrogatories in his late Majesties name, drawn up by a Commission of the Lords appointed to search into the Proceedings and Im- plements of the said Earl, in which search there was more than two  
years spent, divers of the said Interrogatories involving Felony and Treason;

A Treason; And his Majesty having been pleased to assure the said Earl both by Message and Letters, that upon satisfaction given to himself, and the Commissioners by his Answers, he would presently put an end to the Earl of *Bristol's* Busines. The Earl of *Bristol* having so fully answered as would admit of no reply; and that many of the Commissioners declared themselves to be fully satisfied: the said Lord *Conway* (being the Secretary in the Commission, to whom it properly belonged to call the Lords to assemble) perceiving the Earl of *Bristol* was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the Troubles of the Earl of *Bristol* have been kept on foot till this present, and the said Earls Imprisonment hath been enlarged twenty months. And by the Artifices of the said Duke of *Buckingham* and the said Lord *Conway* (as shall be made appear) the said Earl hath been insensibly involved and stauked into the Troubles he is now in, which he doubteth not but your Lordships will judge to be a very considerable Case.

B VIII. That for a colour of keeping the Earl from his late Majesties presence, it being pretended after the Answer to the Twenty Interrogatories, that there were some few Questions more to be added, whereunto when he should have answered, his Majesty Swore solemnly, that without any delay he should be admitted to his presence, and that within two or 3 days he should have the said Questions sent unto him, the Lord *Conway* notwithstanding he acknowledged under his hand, that he had received his Majesties directions for the sending of the said Articles, and was often therunto solicited on the behalf of the said Earl, would never send the said Questions; and at last answered, That he had no more to do with the Earl's busineses.

C IX. That the Earl of *Bristol* being set free by his late Majesty to come to London to follow his own Affairs as he pleased, and thereupon having his Writ of Parliament sent unto him, without any Letter of Prohibition; but the Earl of *Bristol*, out of his great desire to conform all his actions to that which he should understand would best please his Majesty, sent to know whether his going or stay would be most agreeable unto his Majesty? who was pleased to answer by a Letter from my Lord Duke of *Buckingham*, That he took in very good part the said Earls respect unto him; but wished him to make some excuse for the present: The which accordingly he did, and moved, that he might have a Letter under the Kings hand to warrant his absence; but under colour of this Letter of leave, upon the Earl of *Bristol's* own motion and desire, the Lord *Conway* sent a Letter from his Majesty absolutely forbidding his coming to Parliament, and therein likewise was inserted a Clause, That the Earl should remain restrained as he was in the time of his late *Majesty*; and so thereby a colour of restraint under his *Majesties* hand was gotten, which could never be procured in his late Majesties time; whereby the Earl of *Bristol* hath been unduly restrained ever since, without being able to procure any redres, or to make the Lord *Conway* willing to understand his Case, although he sent him all the Papers, whereby he might clearly see, that the Earl was not under restraint in his late Majesties time; but never other Answer could be procured from him, but That he judged the said Earl to be under restraint, and that his Liberty was expired by the late Kings death, as is aforesaid.

D E F X. That the Lord *Conway*, knowing that the Match for the Marrying of the King of Bohemia's eldest Son with the Emperor's Daughter,

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ter, and being bred in the Emperors Court, was allowed and propounded by his late Majesty : And that his Majesty by his Letters unto his Son-in-law, declareth, That he thinketh it the fairest and clearest way for the accommodation of his Affairs, and that he will take sufficient care for his breeding in true religion. And notwithstanding that the said Earl received a Copy of the said Letter by the said late Kings order, with other Papers setting down all that had been done in the said busines, , and his Majesties assent thereunto from the Lord Conway himself ; yet hath he suffered all to be charged, as a crime against the Earl of Bristol, both in the twentieth Interrogatory, and in his Majesties last Letter, that he should consent to the breeding of the young Prince in the Emperors Court. And further in the Interrogatory he alledgedeth it as an aggravation against the said Earl, that the breeding of the said Prince in the Emperors Court inferred to the perversion of his Religion, when he knew that his said breeding was never thought nor spoken of by the King, nor any other, but with that express Clause and Condition, That he should be bred in his own Religion, and have such Tutors and Servants, as his Father should appoint.

XI. That the L. Conway hath been the cause of all the Earl of Bristol's Troubles by his dubious and intrapping Dispatches, and inferring, That the said Earl hath failed in his Directions, when it shall be made appear, that his Dispatches contained no such Directions as he hath alledged were given.

The House not being satisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman Usher; and further ordered, That the Kings Charge against the Earl of Bristol be first heard, and then the Charge of the said Earl against the Duke ; yet so, that the Earls Testimony against the Duke be not prevented, prejudiced, or impeached.

The day following the Lord Keeper delivered a Message from the King to the House of Lords.

A Message  
from the King  
to the Lords  
concerning  
Bristol's Arti-  
cles against  
the Duke.

*Earl of Bristol  
was Prisoner not  
only presented to  
the Duke —*

“ **T**hat his Majesty taketh notice of the Articles exhibited against the Duke of Buckingham by the Earl of Bristol ; and he observeth that many of them are such, as himself is able to say more of his own knowledge than any Man, for the Dukes sincere carriage in them : That one of them, touching the Narrative made in Parliament in the One and twentieth of King James, trencheth as far upon himself as the Duke, for that his Majesty went as far as the Duke in that Declaration ; and that all of them have been closed in the Earls own breast now for these two years, contrary to his Duty, if he had known any crime of that nature by the Duke ; and now he vents it by way of recrimination against the Duke, whom he knows to be a principal Witness to prove his Majesties Charge.

“ And therefore, That his Majesty gave them thanks, that they gave no way to the Earl of Bristol's unreasonable motion, of putting the Duke under the same restraint that they had put the Earl, thereby eschewing what the Earl aimeth at, to alter their dutiful Proceedings toward his Majesty : That thereby they had made his Majesty confident, that as they have, so they will put a difference between his

“ Majesties

" Majesties Charge against one that appeareth as a Delinquent, and the 2 *Caroli.*  
" recrimination of the Earl of *Bristol* against his Majesties Witnes; and  
" they will not equal them by a proceeding *Pari Passu*.

A At this time there was an endeavour to take the Earl's Cause out of the House, and to proceed by way of Indictment in the King's Bench: To which manner of proceeding why the Lords should not give way, these ensuing Reasons were offered to consideration.

B I. It was ordered, That in all causes of moment, the Defendants shall have Copies of all Depositions both *pro* and *contra* after publication, in convenient time, before hearing, to prepare themselves; and if the Defendants will demand that of the House in due time, they shall have their learned Council to assist them in their defence: And their Lordships declared, That they did give their Assents thereto; because in all Cases, as well Civil as Criminal and Capital, they hold, That all lawful help could not before just Judges make one that is guilty avoid Justice; and on the other side, God defend that one Innocent should be condemned.

C II. The Earl of *Bristol* by his Petition to the House, complained of his restraint, desiring to be heard here, as well in points of his wrongs, as in his accusations against the Duke; whereof his Majesty taking consideration, signified his pleasure by the Lord Keeper; April the 20. That his Majesty was resolved to put his Cause upon the honor and justice of this House; and that his pleasure was, that the said Earl should be sent for as a Delinquent to answer the offences he committed in his Negotiation before his Majesties going into *Spain*, whilst his Majesty was there, and since his coming thence; and that his Majesty would cause these things to be charged against him in this House; so as the House is fully possessed of the Cause, as well by the Earls Petition, as by the King's assent, and the Earl brought up to the House as a Delinquent to answer his offences there; and Mr. Attorney hath accordingly delivered the Charge against him in the House, and the Earl also his Charge against the Duke: And now if he be proceeded withal by way of Indictment in the King's-Bench, these dangerous inconveniences will follow; viz.

E 1. He can have no Counsel.  
2. He can have no Witnes against the King.  
3. He cannot know what the Evidences against him will be, in a convenient time to prepare for his Defence; and so the Innocent may be condemned, which may be the Case of any Peer.  
4. The Liberties of the House will be thereby infringed, the Honor and Justice thereof declined, contrary to the King's pleasure expressly signified by the Lord Keeper.

F All these things are expressly against the Order.

G 5. The Earl being Indicted, it will not be in the power of the House to keep him from Arraignment, and so he may be disabled to make good his Charge against the Duke.  
Therefore the way to proceed according to the Directions and true

The Reasons:

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true meaning of the Order, and the Kings pleasure already signified, and preserve the Liberties of the House and protect one from injury, will be.

A  
First, To have the Charge delivered into the House in writing, and the Earl set down his Answer to it in writing; and that the Witnesses may be examined, and Evidences on both sides heard, by such course and manner of proceedings as shall be thought fit by the House; and if upon full hearing the Houle shall find it to be Treason, then to proceed by way of Indictment; if doubtful in point of Law, to have the opinion of the Judges to clear it, if doubtful in matter of Fact, then to refer it to a regal Fait; And the rather for that,

B  
1. It appears that the Earl, in the space of two years (till now he complained) hath not been so much as questioned for matter of Treason.

2. He hath been examined upon twenty Interrogatories, and the Commissioners satisfie, That his Answer would admit of no Reply.

3. The Lord *Conway* by several Letters hath intimated, That there was nothing against him but what was pardoned by the Parliament. Pardon of the 21 Jac. And signified his Majesties pleasure, That he might rest in that security he was, and sit still.

C  
His Majesty hath often declared both to the Countess of *Bristol* and others, That there was neither Felony nor Treason against him, nor ought else, but what a small acknowledgment would expiate.

Some Cases happened in Parliament 1 & 2 *Caroli*; wherein the Judges opinions were had, viz.

D  
*T*his Question was put to all the Justices; *Whether a Peer impeached for Treason shall be tried in Parliament?* And the Chief Justice, in the name of all the Justices, delivered his opinion, that the course by Law was Indictment, and this to be signified in Parliament, before the Lord *Steward*, *vide 10 Edward 4. 6.* or by Bill, and an Act of Parliament to attaint the Party. An Order was made in the Upper-House of Parliament, 21 Jac. That any Peer shall have Counsel in case Criminal or Capital; and upon the Accusation of the Earl of *Bristol* in Parliament, he made a motion for Counsel; which matter was commended to the King by the Lords with voucher of the said former Order: The King returned Answer, That this was contrary to the Fundamental Laws of the Realm; but inasmuch as it was for his Benefit and Prerogative, with which he may dispence; therefore out of his Grace he would allow the Earl of *Bristol* to have his Counsel, with protestation that he would advise in the general; and the same Order was made without his privity, and without hearing the Justices or his Counsel. And upon the Trial of the Lord *Middlesex*, in a Case Criminal and not Capital; afterward, that is to say Friday after, upon the assembly of all the Justices, the Attorney of the King by commandment of the King, demanded their opinion; and they with one voice agreed, That where the Trial is upon Indictment, no Counsel in Felony or Treason is to be allowed, unless a matter of Law happen, or upon the Indictment, or upon Plea of the Defendant, or upon Evidence, and in such Cases the Prisoner may have Counsel, but not otherwise.

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2 Caroli.

A The Lords by Order referred to the Justices this Question, *Whether the King may be a witness in case of Treason?* Secondly, Admit that this be for Treason done when he is privy: *Whether in this case he may be a witness or not?* and before the Resolution, this Message and Command came from the King to the Justices, that in this general Question they do not deliver any opinion; but if any point come in particular, they, upon mature deliberation, may give their advice. And this was declared by the Chief Justice in the Upper House of Parliament, and the said matter surceased.

B Sitting this Parliament, the Duke of Buckingham was deputed Procurator by several Peers, whose Votes on any occasion he had power to make use of; viz. by the Earls of Bath, Exeter, Cumberland, Northumberland, Lord Teignham, Colchester, Tunbridge, Evers, Darcy, Mynet, Noel, St. John of Basig, Mansfield, and Roberts. Whereupon the House of Peers made an Order, That after this Session, no Lord of this House shall be capable of receiving above two Proxies, or more to be numbered in any cause voted.

C About a fortnight after, the Charge was given in against the Earl of Bristol, the Earl gave in his Answer, which we have chosen to insert here for the Reader's more conveniency, though a little out of time. And having the Answer in his hand, ready to deliver to their Lordships, he did crave leave, that by way of Introduction he might speak a few words, and began thus:

D "I Am not insensible upon what disadvantages I come to Trial in this Cause: For first, I am fallen into his Majesty's heavy displeasure, and am to encounter with a potent Adversary, highly in favour, and am accused for Treason; for which, all Counsel and Friends abandon me, as a man infected with the Plague; I am become bound and under restraint; whereas a man who is to encounter for his Life and Honour, and with a strong Adversary, had need to come upon equal terms.

E "But as to the Matter, I find my self charged with divers Articles of High Treason; but looking into them with the eyes of my best understanding, with the opinion also of my Counsel lately assigned me, and taking them apart one Article from another, I find not any thing in them like Treason, or that hath so much as the shew or countenance of a fault, either in act or words: only by laying all things together, and by wresting the wrefts with a strained construction, directly contrary to the true fence and meaning of them, and the occasion whereupon they were spoken, it is informed, and that by way of Inference only, That the intent was evil, and the matter to prove the intent to be evil, depends upon two props, viz. His affection to Religion, and too much affection to Spain; which, if I shall clear, the Inference grounded upon these props, will fall of it self.

F "Therefore I crave leave of your Lordships, before I give my Answer to the Charge, that I may give you an account of these two particulars; and I humbly beseech you, that what I shall speak in my just defence, may not be conceived to proceed of vain ostentation.

G "And first for Religion, I was in my Childhood bred in the Protestant Religion, and rather after the stricter manner than otherwise. When I grew in years fit, I travelled into France, Italy, and Rome it self:

The Earl of Bristol's speech, by way of Introduction, before he gave in his Answer.

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"left : In all which Travels, I can pro tace some that I confor ted with  
 "all, who will witness with me, that I ever constantly used the Rel<sup>gi</sup>on  
 "I professed, without the least prevarication ; no man being able to  
 "charge me, that so much as out of curiositie I ever was present at any  
 "of the Exercises belonging to the *Roman Religion*, or did the least act  
 "of conformity to any their Rites or Ceremonies.

"Secondly, after my return home, I was received into the service of  
 "his late Majesty of bl<sup>is</sup>le<sup>r</sup> memory, whom I served some years as a  
 "Gentleman of his Privy Chamber, and Carver ; in which time, none  
 "of his Majesty's Servants received the Holy Sacrament, frequented Ser-  
 "mons, and other Exercises of our Religion more than I.

"Thirdly, in that time of my youth, not to avoid idlenes, but out  
 "of affection to Religion, I Translated that excellent Book of our Faith,  
 "and great Points of our Religion, written by Monsieur *Moulins* ; which  
 "his late Majesty having sometimes after seen, approved so well, that he  
 "would needs have it Printed ; which accordingly was printed in the  
 "name of Mr. *Sampford* my Chaplain, to whom I gave the honour : But  
 "it was my own act, as Mr. *Sampford* will not deny, though to this hour,  
 "I had never before spoken it.

"Fourthly, about seven or eight and twenty years of my age, I was  
 "employed Ambassador into *Spain*, in that great busines of the Treaty  
 "of the Marriage ; and whereas others before me carried with them but  
 "one Chaplain, I had two, viz. Mr. *Sampford* and Mr. *Boswell* ; and at  
 "my arrival at the Court of *Spain*, I caused it to be published, that such  
 "a day (God willing) I purposed to have a Communion, to the end that  
 "such English as were in the Town, might resort thither. Whereat the  
 "Duke *de Lerma*, and other the great ministers of *Spain*, took offence,  
 "and told me, they might well perceive, I brought no good affection to  
 "the busines I came about, that would so publickly and avowedly in  
 "that Court, where never the like was done, proclaim there a Commu-  
 "nion ; and with high expressions perswaded me to decline it. Where-  
 "unto I answered, I came to do my Master's service, which I would  
 "heartily and effectually endeavour, but would not omit my service to  
 "God, no, though my Master commanded. And at the Communion  
 "there were present one hundred persons, some of them Brothers, Kins-  
 "men, and near Dependants upon some of their Lordships, whom I see  
 "there in my eye. This I did in *Spain*; the like I did in *Germany*, in the  
 "Emperor's Courts, in my Ambassage thither.

"Fifthly, I had in my several Employments into *Spain* and *Germany*,  
 "above five hundred persons of all qualities attending upon me, and  
 "never one perverted in Religion : my Children carefully instructed and  
 "bred in the same Religion. I had constantly every Sabbath a Sermon  
 "in my House ; and Sacraments, and other Exercises of our Religion  
 "frequented.

"Sixthly, a foul-mouthed *Shimei* railed against our late King and  
 "Religion in *Spain* ; how I caused that to be revenged by a near Kinsman  
 "of my own, is well known.

"Seventhly, one of the English dying in the Town of *Madrid*, of  
 "whose Religion there was some question made ; and the King's Cha-  
 "plains telling me, that they at the day of his death had been with him,  
 "and taken an account of his Faith, and that he died a Protestant : I  
 "caused him to be brought home to my house, and there buried accord-  
 "ing to our Rites ; whereat much ado was made, and it was threatned,  
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"that the Inquisitors and other Officers, would come and fetch him out, "and bury him after their manner : I stood upon it, and that it was the "King of England's House, and openly protested, that whosoever should "come thither with such intent, I would shoot at him with a Peece ; and "exhorted all my People, that if such an attempt should be, they should, "rather then suffer such a dishonour to our Religion, die with me in that "quarrel, and hoped such English as were in the Town would do the like.

A "Eighthly, There having been a Monastery for English Jesuits, "founded and settled at Madrid before my coming thither, and the Eng- "lish Arms set up, I laboured to suppreſſ it, and having written thereof "to the late King, his Majesty advised me not to run my head against the "Rock, for it was an impossible thing for me to do : yet I undertook it, "and it pleased God ſo to bless my endeavours, that I abſolutely diſſolved "and overthrew it. For which, the Bishop of Winchester, Montague, (now "with God) wrote unto me by his Majesties direcſion, a Letter of his Ma- "jefties gracious accepſance of ſo great a Service : telling me, Besides the "service I had done to the Church & Commonwealth, it ſhould remain "a Trophy of Honour to me and my Posterity for ever : And the King "himſelf, with his own hand, wrote unto me, beginning his Letter, *Good* "Fortune Digby, *your good luck in your Service well deserves that ſtyle.*

B "Ninthly, In all Negotiations in Spain, in point of Religion, I ever "ſtraiſtned my Instructions.

C "Tenthly, The Match with Spain was not moved by me, I ever ad- "vized a Protestant Match, and ſhewed many Reasons both of Conſcience "and State ; but if with a Catholick, then rather with Spain than France, "ſo as good Conditions might be made for Religion, as appears by a "Letter I wrote, and delivered to the Prince, at his firſt going upon the "employment ; for which I had like then to have been ruined for being a "Puritan, as I am now for being a Papift, & all by one and the ſame hand.

D "Eleventhly, And I appeal to the testimony of Dr. Mafon and Dr. "Wren, the King's Chaplains with me in Spain ; and to Mr. Simpford, Mr. "Boswel, and Mr. Frewen my own Chaplains there. And that ſuch Pa- "pifts as have been my ancient acquaintance and friends, being men "of worth, well known to many of their Lordships, may be examined "upon Oath, whether I have not in all places, as well in Spain as in Eng- "land, and at all times upon fit occasions, avowed my ſelf a Protestant, "without the leaſt prevarication ? Or whether I did ever any the leaſt "act that was not ſuitable to the fame Profefſion ? And that Mr. Frewen, "Mr. Wake, my own Chaplains, may give their testimonies, whether in the "time of ſeveral dangerous ſickneſſes, which I had of late years faln into, "I have not in the time of ſuch my ſickneſſes (when no man can be ſup- "poſed to diſemblaſe with the World, being ready to leave it) made before "them a Confefſion of my Faith, and made my Peace with God, reſolving "to die as beſtitred a Protestant and a good Christian. This I tell your "Lordships, was my Religion I was bred in, have ever profefſed and "lived in, and was reſolved by God's grace, to die in ; and yet was ſo un- "happy, by reaſon of employment, to be diſtaſteſful to many good men, "that I have been ſuſpected even by them, not well knowing me : And "this hath been the riſe the Duke hath now taken againſt me. Then for "my love to Spain, I wonder from whence that opinion ſhould grow, "ſince I was there hated and ſhamed, as the man whom, of all others, "they desired to have the leaſt to do withall, having ſtood ever ſtricter "in point of Religion, than by my Instructions I might have done ; as

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"after the Capitulation concluded on, they understood by some Intelligence, which caused their hatred towards me.

"Sure I am, I shewed it not by the service I did them; for divers years together there was not a Letter sent by that King to any other State, that the King my Master had not a Copy of before, or by that time it came to the place whither it was directed. There was not any great action on foot, whereof I had not the private Instructions, and sent them thither; nor any Expedition by Sea or Land, wherein I had not some Ministers or Intelligencers, that gave me from time to time advertisements of their actions, & most private intentions, whereof I advertised his Majesty from time to time. I used such industry, as to get all the Papers of that King's private Cabinet into my hands; took Copies and Notes of such of them as I thought useful; and upon every of them set my private mark before they were conveyed back again, to the end, that if I should have had an occasion to have charged him with any thing mentioned in the same Papers, I might have let him see I knew it, by telling him in what Paper it was, and marked "with such a mark.

"There was not a Port in Spain, that I had not caused the depth of it to be sounded, nor a Fort whereof I knew not the strength, both for the Garrison, Munition, and other matters of advantage and disadvantage; insomuch as if it should please the King to appoint a Committee of the Lords to take an account of me, I should, by the stores I gathered there, and brought with me, make it appear, I was as useful a Servant to his Majesty in a War, as in Peace. Whereas at his Majesty's coming out of Spain, the powers of the Despousories were to be deposited in some man's hand; and the Duke, upon pretence of doing me honour, but intending to break my neck, by it, moved, they might be left with me, and the King of Spain was contented; and so they were put into my hands, not as an Attorney only for the Prince; But the King of Spain having taken the substitution of them by his Secretary of State, centred in Legal form; whereby that King was then become interested in them by their occupation, as well as the Prince by granting of them. And becoming the Instrumentum stipulatum, wherein they were both interested, they were deposited into my hands, as an indifferent person, trusted between the King of Spain and the Prince, with a Declaration of the Trust. And now the Duke was returned out of Spain, he plotted my ruine, and put it in execution in this manner. He concealed, that the powers were to expire at Christmas, and procured his Majesty to write a Letter, (not a direct Commandment) but expressing a desire, that the Despousories should not be till one of the days in Christmas, intending thereby to draw me into a Dilemma, That if I proceeded in the Match, this Letter should, as now it is, have been inforced against me, as a breach of Instructions: If I had not proceeded, then I had broken my trust between the Prince and King of Spain, overthrown the Marriage, so long sought and laboured, it being the main scope of my Ambassage, contrary to express Warrant, and that upon a Letter I must needs know to be a mistake. And when I had written into England, to have a direct Warrant in the point, the Duke then seeing that Plot would not take, he dealt with divers great Lords, as was well known to some of their Lordships there present, to have me, upon my arrival in England, committed to the Tower, before I should ever come to speak with the King; which the Spanish Ambassador here in England, having gotten

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A "gotten private notice of, gave advertisement thereof to that King :  
 " who thereupon foreseeing my danger, and consulting with his Coun-  
 " cil and Divines, what were fit for him in Honour and Conscience to do  
 " in that case, they resolved, That seeing my sufferings grew by being  
 " an honest man, and endeavouring to perform the trust reposed in me by  
 " that King, as well as the Prince ; That King was bound both in Honour  
 " and Conscience, not only to preserve me from ruine, but to make me  
 " a reparation for any losi I should sustain by occasion of the Truſt :  
 " Whereupon, at his departure, going to Court to take his leave, the Con-  
 " de Olivares told me, what was plotted against me in England ; and in  
 " respect of the danger, by reason of the greatness of my Adversary, per-  
 " swaded me to stay there, and in his Master's name made an offer, not  
 " in secret, but in the presence of Sir Walter Aston.

B Here he repeated those offers of Reward, Honour, and Preferment, which we have mentioned before in order of time, and at present pass it by ; he then proceeded, and said :

C " Upon what grounds and hope came I to encounter with those dan-  
 " gers? Not upon hope of my greatness in Court, and strength of Friends  
 " there, to boulster out an ill cause ; no sure, my strength was too weak,  
 " and my Adversaries too powerful. But I knew my Conscience was  
 " clear, and my Cause good, and trusted in God Almighty. And to him  
 " now, and to their Lordships Judgments, recommend my self, and my  
 " Cause.

D And then he delivered his Answer, desiring their Lordships it might  
 be after recorded in Parchment, that it might remain to posterity ; which  
 being read by one of his Council, the Lord Keeper asked him, Whether  
 he desired to say any more then he had done ? He answered, That he had  
 something more to say, but knew not the Order, or whether Mr. Attorney  
 would speak first ; but he being desired to speak, He desired their Lord-  
 ships he might put them in mind of what he conceived they had alrea-  
 dy promised ; which was, That the Duke, whom he accused in that House  
 of far higher offences, than any with which he was charged, might be  
 proceeded with as he was, and that they might be upon equal Condi-  
 tions. And that such Heads as he had delivered against the Duke, being  
 of such matters as he met withall in his Negotiation as an Ambassador,  
 and which he had, according to his duty, acquainted the State withall,  
 might, by their Lordships care and order, be put into Legal form, and  
 prosecuted ; for so was the use, when he had the honour to sit at the  
 Council-Table. He said, He conceived he had already done his part to  
 inform, and would be ready to make it good, it concerning their Lord-  
 ships to see it prosecuted, it not being to be expected that he should sol-  
 licite it ; or if he would, he could not, being under restraint. And he de-  
 sired likewise, that the Judges might deliver their opinions, Whether the  
 matter charged against him were Treason ; that if it should not be so in  
 their opinions, he might not lie under so heavy a burden.

E F He put their Lordships in mind, That it was a strange manner of pro-  
 ceeding, that upon a displeasure, a Peer of the Kingdom complaining of  
 those that had practised against him, and had been the causers of his suf-  
 fferings, should then, and never but then, be charged with Treason. He  
 told them, it was not his case alone, but it equally concerned them, and  
 their Posterity, &c, it might be, some others hereafter, more than him now.  
 For, he said, he thanked God, he had some experience in the world, and  
 thereby, and by those things he had kept, was able to make his innocence  
 appear

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appear, which, perhaps, would not be every man's hereafter; and so many an honest heart in a good cause distract'd with fears, and abandoned of Friends, might perish through the malice of a potent Adversary.

The Lords again asked him whether he had any thing more to say? He answered, No, but desired leave only to explain himself in two things; one in his Speech now spoken, and the other when he was first brought to the House. That in his Speech this day, was, where he affirmed, he had like to have been ruined in his Negotiation: First, for being a *Puritan*, and now for being a *Papist*, and both by one hand; he explained it to be by the hand of the Duke of *Buckingham*. And the other when he first came to the House, saying there, for redress of former sufferings, and meeting on the sudden with Treason charged upon him, he spake in passion, expressing the wrongs and injuries done him by the Duke; and told their Lordships, He had used means to convey part of his sufferings to the late King his Master, who, in the Duke's hearing, sware he would (after he had heard the Duke against him) hear him also against the Duke; for which his Majesty suffered much, or to some such purpose. Now he understandeth this Speech to reflect upon what was in agitation in the Lower House; but he said, Although he could not well excuse the Dukes indiscretion in that point, yet he spake it not any ways to corroborate that opinion; for howsoever the Duke were his Enemy, yet he could not think so dishonourably of him.

*The Answer of the Earl of Bristol to the Articles of several High Treasons, and other great and enormous Crimes, Offences, and Contempts, supposed to be committed by him against our late Sovereign Lord King James of blessed memory, deceased, and our Sovereign Lord the King's Majesty that now is; wherewith the said Earl is charged by his Majesty's Attorney-General, on his Majesty's behalf, in the most high and Honourable Court of Parliament, before the King and the Lords there. And not acknowledging any the supposed Treasons, Crimes, Offences, and Contempts, wherewith he is charged, in, and by the said Articles to be true; and saving to himself all advantages, benefit, and exception to the uncertainty and insufficiency of the said Articles, and of the several Charges in them contained: And humbly praying, that his Cause may not suffer for want of a Legal form whereunto he hath not been used, but may be judged according to such real and effectual Grounds and Proofs, as may be accepted from an Ambassador (the ground of the Charge growing thence) and that he may have leave to explain himself, and his own meaning, in any thing that may seem of a doubtful Construction. For Answer, saith as followeth,*

His Service to  
the Palatinate  
when he was  
Ambassador  
to the Emper-  
or.

I. **T**He first Article he denieth; and because the Matters contained in the said Article consist of several parts, *viz.* The loss of the said *Palatinate*, and the Match with the said Lady of *Spain*, and of the several Employments; as of one Extraordinary Ambassage to the Emperor, and another to the King of *Spain*, in the years 1621, 22, and 23. He humbly craves leave of this most Honourable Court to separate the busineses, and distinguish the times.

And beginning with the *Palatinate* first, to give an account of his Ambassage to the Emperor, and so to make as brief a Deduction as he could of the whole carriage in that busines, from the beginning of his employment, to the time he left it, in his Ambassage to the Emperor, he propounded all things faithfully according to his Instructions, and the

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A Anivers wher he returned to his late Majestie of bleised memory, were the very same, and no other, then such as were given by the Emperor under his hand and Imperial Seal ; the which, according to his duty, he faithfully sent unto his said Majestie, and withal did honestly and truly adverteſe his said Majestie, what he understood and thought then upon the place ; but was ſo far from giving to his Majestie any ill-grounded hopes in that behalf, that he wrought unto the Lords of the Council here in England from Vienna, 26 July, 1624. in ſuch fort as followeth.

B **I** Am further to move your Lordships, that there may be a dispatch made presently into Spain to h's Majestie's Ambassador, Mr. Cottington, that they deal effectually for the repairing and ripening of the business againſt my coming ; that they uſe ſome plain and direct Language, letting the Ministers there know, that the late Letter ſent by the King of Spain to the Emperor, was colder and more reſerved, than his Maſter had reaſon to expect. I ſhall concluſe with telling your Lordships, That although I deſpair not of good ſucceſſ in that knotty buſineſſ, yet I hope his Majestie and your Lordships lay not aside the care of all fitting preparations for a War, in caſe a Peace cannot honourably be had. And amonſt other things, I moſt eaſeſtly command unto your Lordships, by your Lordships unto his Majestie, the continuing yet abroad, for ſome ſmall time, of S'r Robert Mansel's Fleet, upon the Coaſts of Spain ; which, in caſe his Majestie ſhould be ill uſed, will prove the beſt Argument we can uſe for the Reſtitution of the Palatinate.

C And this his Advice, he faith, was wholly intended by his Actions, by being the cauſe, as he returned homeward out of Germany, to bring down Count Mansfield, whereby the Town of Frankendale was relieved, by ſupplying his Majestie's Army, then in great diſtreſs, with Moneys and Plate, to the value of 10000 l. meerly out of his zeal and affection to the good of the King and his Children, having no Warrant or Order, but that his heart was ever really bent in effects more then in ſhews, to ſerve the King's Son-in-law and his Caufe, as by the diſcourse of this buſ. eſ will appear. And how acceptable theſe ſervices were, will more appear, by the Letters of the Queen of Bohemia, in theſe words following.

D **M**y Lord,

E **H**aving underſtood from Heidelberg, how you have ſhewed your affeſtion to the King and me in all things, and in the help of Money you have lent our Soldiers ; I cannot let ſo great Obligations paſſ, without giving many thanks for it by theſe Lines, ſince I have no other means to ſhev my gratefulneſſ unto you : Howſoever aſſure your ſelf, that I will never be forgetful of the teſtimonies you give me of your love, which I intreat you to continue, in doing the King and me all good Offices you can to his Majestie. You have been an eye-witneſſ of the miſerable eſtate our Countreys are in ; I intreat you therefore to ſollicite his Majestie for our help, you having given me an aſſurance of your affection, I intreat you now to ſhew it, in helping of us by your good endeavours to his Majestie ; and you ſhall ever bind me to continue, as I am already,

F Your very affectionate Friend,

ELIZABETH.

Which

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Which Letters were seconded with others about the same time, both from the King of Bohemia, and Council of Heidelberg, to the same effect : and how much satisfaction his late Majesty received in that behalf, and touching that busines, will plainly appear several ways, and particularly by his Speech in Parliament. And the said Earl likewise appealeth to both Houses of Parliament, to whom, by his late Majesty's order, he gave a true and just account of that employment, with what true zeal he proceeded ; and how he pressed that single Treaty, and Promise no longer to be relied on, but that a fitting preparation for War might go along hand in hand with any Treaty of Accommodation. And, for a conclusion, among many of his late Majesty's approbations of his carriage in this employment, he humbly desired, that a Letter of the Duke of Buckingham's under his own hand, bearing date the Eleventh of October, 1621. may be produced, being as followeth.

B  
My Lord,

C  
**I** Am exceeding glad that your Lordship hath carried your self so well in this employment, that his Majesty is infinitely pleased with your service you have done, for which he commandeth me to give your Lordship thanks in his name, until he see you himself. You, of all men, have cause to commend his Majesty's choice of such a Man, that unless your heart had gone with the busines, you could never have brought it to so good a pass. Amongst other things, his Majesty liketh very well the care of clearing his Honour, whereof he will advise further with your Lordship at your next coming over. I hope you will not find your Negotiation with the Infanta of such difficulty, as you seem to fear in your Letter, seeing my Brother Edward hath brought with him a Letter from his Majesty's Son in Law, whereby he putteth himself solely to his Majesty's advice and pleasure for his submission, as you will perceive by the Copy of the Letter it self; which I here send your Lordship; wherein, though there be many things impertinent, yet of that porzt you may make good use for the accomplishment of the busines, wherein I have written to the Spanish Ambassador to use his means and credit likewise; which I assure my self he will effectually do, especially seeing the impediments are taken away by Count Mansfields Composition, and the Conformity of his Majesty's Son in Law to this Submission. For the Money your Lordship hath so seasonably laid forth, his Majesty will see you shall sustain no loss, holding it very unconscionable you should suffer by the care of his Service; which you have shewed so much to his contentment, to the great joy of your Lordship's faithful Servant,

D  
E  
Geo. Buckingham.

F  
His service to  
th: Palatinate  
before his  
Embassy to  
the Emperor.

H  
Having given this account of his employment with the Emperor, he humbly craveth leave to make it known in what sort, before this his employment, he endeavoured to serve the Prince Palatine & his Cause, which will best appear by his Majesty's own testimony, upon the going of Sir Francis Netherlose to the Prince Palatine ; at which time his Majesty being, out of his Royal and just heart, desirous to do a faithful Servant right, commanded Sir Francis Netherlose to let the Prince Palatine understand how good a Servant the said Earl had been unto him, and how active

active in his affairs, as will best appear by a Dispatch of Sir Francis Nethercole, written all with his own hand to Sir George Calvert, dated in Prague, August 11. 1620. and sent by his late Majesty to the said Earl for his comfort, being as followeth.

2 Caroli.

## Right Honourable,

**A** That you may be the better assured, that I have neither forgotten nor neglected the Commandments received from his Majesty by your Honour; you will be pleased to have the patience to hear me report what I said to this King upon the delivery of my Lord Deputy's Letters to his Majesty; which was, That the King my Master, whose Justice is so renowned over the world, did use to shew it in nothing more, than in vindicating his Servants from wrongful opinions, whereof he knew noble hearts more sensible, than of injuries done to their Persons or Fortunes; That out of his Royal disposition his Majesty having found my Lord Digby mistaken by some of his own People at home, by occasion of his being by him employed in the Affairs with Spain, having thereupon received a jealousy, that the same Noble Lord might be also misreported; hitherto his Majesty's hands in that respect gave me a particular commandment, to assure his Majesty, he had not a more truly affectionate Servant in England: And for proof thereof, to let his Majesty understand, That whereas the Baron of Doncaster, now his Majesty's Ambassador for England, had, since his coming hither, obtained but three great Bonds for his Majesty's service; viz. the Loan of Money from the King of Denmark, the Contribution in England for the City and Countreys, and the sending Ambassadors to the contrary Parties, that my Lord Digby had been the first propounder of all those to the King my Master, before his Majesty's Ambassador, or any other of his Majesty's Servants in England; although his Lordship were contented, that others, who were but set on, should carry away the thanks and prayers, because his Lordship, being known to be the first mover therein, might possibly weaken the Credit he hath in Spain, and to render himself the more valuable to serve both his own Master and his Majesty; in which respect I humbly prayed his late Majesty to keep this to himself.

**E** By which testimony it may appear, as the said Earl conceiveth, how he, the said Earl, bestowed himself before his Ambassage, and in his said Ambassage with his said late Majesty's approbation thereof. Now he humbly craved leave to give your Lordships accompt how he proceeded after his return from the Emperor's Court.

**F** As soon as he came into England, he discovered unto his Majesty and the Lord's of the Council, in what great wants he had left the Forces in the Palatinate, and solicited the present sending away of Money; thereupon Thirty thousand pounds was borrowed of Sir Peter Vanlore, Sir Baptist Hicks, and Sir William Cortine, and presently sent unto the Palatinate, besides the Ten Thousand pounds which he lent, for which he paid the Interest out of his Purse for six months, having also given, not long before, Five hundred pounds, by way of Benevolence, to the service of the said Palatinate.

Now in the interim, betwixt his return from the English Coasts, which was in November, 1621. and his going into Spain in May, 1622. he first

*A* n. 1626. gave his Account, as aforesaid, of his Ambassage to both Houses of Parliament, and moved them effectually, as was possible, for the supplying of his Majesty, and that the money might wholly be employed for the succour of the *Palatinate*.

The Parliament being dissolved, he sollicited, with great care and industry, the settling of some course for the supplying of the *Palatinate*, and his Majesty was perswaded to maintain Eight thousand Foot, and Sixteen hundred Horse, under his own Standard, and at his own Purse, in the *Palatinate*, to establish a certain course for due payment of the said Army: The Lord *Chichester* was, upon the said Earl's motion, sent for out of *Ireland*, and the said Earl, by his Majesty's command, took order for his Dispatch. In this estate the said Earl left his affairs at his departure towards *Spain* in May, 1622. nothing doubting, but that all things would have effectually and constantly been pursued, according to the order which was settled and resolved on at his departure.

*H*is arrival in  
*Spain*, and be-  
haviour there.

*B* At his arrival at the Court of *Spain*, he presently proceeded according to his Instructions, pressing the business of the *Palatinate*, as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of Negotiation) all particulars that were given him in charge, as it will appear by his late Majesty's Letter upon every particular occasion; and if by the accidents of War for that Summer, the Marquis of *Baden*, the Count *Mansfield*, and the Duke of *Brunswick* received each of them an overthrow, (the ordering of whose affairs his Majesty so far complained of to his Son in law, as to give order for the withdrawing of his Forces, as will appear by his Majesty's Letter on the third of *June*, 1622. and also by his Letter unto Sir *Horace Vere*, and the Lord of *Chichester* of the same date, if there were not a speedy redress) if by any of those accidents those businesses have miscarried, the said Earl hopes he shall not be liable to the blame, it having no relation to him, or to his imployment, having so far and so honestly, with his best affections, employed his care and utmost services in the businesses, as his Majesty was pleased, by many several Letters, upon several actions, to signifie his gracious reception of his service, as in his Letters of Nov. 24. 1622. written as followeth; *viz.*

*C* *Tour Dispatches are in all points so full, and in them we receive so good satisfaction, as in this we shall not need to enlarge any further, but only tell you, we are well pleased with this diligent and discreet employment of your endeavours, and all that concerneth our service; so are we likewise with the whole proceedings of our Ambassador, Sir Walter Aston. Thus we bid you heartily farewell.*

*D* New-Market, Novemb. 24. 1622.

And afterwards his Majesty was likewise pleased, in his Letters of 8 January, 1622. a little before our Gracious Sovereign Lord the King, then Prince, his coming into *Spain*; as followeth.

*E* *Concerning that knotty and unfortunate Affair of the Palatinate, to say the truth, as things stand, I know not what you could have done more than you have done already.*

*F* And whereas it is objected, the *Palatinate* should be lost by the hopes he, the said Earl, gave, by his Letters out of *Spain*, it is an Objection of impossibility; but there was nothing left but *Manheim* & *Frankendale* when his

*first*

first Letters out of Spain could possibly come to his late Majesty's hands; for he did not begin to Negotiate that busines until *August, 1622.* and about that time *Heidelberg*, and all, but *Manheim* and *Frankendale*, was lost; and *Manheim* he had saved by his industry, had it not been so suddenly delivered, as is by his Majesty acknowledged by Letters of *24 November, 1622.* written thus; *viz.*

2 Carol.

A *And howsoever the Order given to the Infanta, for the relief of Manheim, arrived too late, and after the Town was yielded to Tilly; yet must we acknowledge it to be a good effect of your Negotiation, and an Argument of that King's sincere and sound intention.*

B And *Frankendale* being, by the said Earl's means, once saved, was again the second time saved meerly by the said Earl's industry; and procuring a Letter from the King of *Spain*, dated the second of *February, 1623.* whereupon followed the Treaty of Sequestration, which hath since continued. And he, the said Earl, was so far from hindring Succours by any Letter or Council of his, that he was the Sollicitor, and in great part, the Procurer of most of the Succours that had been sent thither, as is formerly set down. And when his Royal Majesty that now is, and the Duke of *Buckingham* arrived at the Court of *Spain*, they found the busines of the *Palatinate* in so fair a way, that the Spanish Ministers told them, the King should give his late Majesty a Blank, in which we might frame our own Conditions; and the same he confirmeth unto us now; and the like touching this Blank was likewise acknowledged by the Duke of *Buckingham* in his Speech in Parliament, after the return of his Majesty out of *Spain*. And it will appear by the testimony of Sir *Walter Aston*, and by his and the said Earl's Dispatches, that the said Earl wanted not industry, and zeal in the busines: insomuch as the last Answer the said Earl procured herein from the King of *Spain*, was fuller than he the said Earl was ordered by his late Majesty's latest Letters to insist upon. So as by that which hath been alledged, the said Earl hopeth your Lordships will be satisfied, not onely that he wanted neither Will nor industry, but that he hath, will all true zeal and affection, and with his own means, faithfully served their Majesties, and the Prince *Palatine* in this Cause: And for assurance in that affair, he had all that could be between Christian Princes; and if in the said Assurances there hath been any deceit, as by the said Articles is intimated, which he never knew nor believed, he referred it to God to punish their wickedness; for betwixt Princes there can be no greater Tie, than their Words, their Hands and Seals, all which he procured in that behalf; and both the said Earl and Sir *Walter Aston* were so confident, that the busines would be ended to his late Majesty's satisfaction, that in a joyn Dispatch to his late Majesty of *24 November, 1623.* after his own Majesty's return into *England*, they wrote as followeth, *viz.*

F *We hope that your Majesty may, according to your desire signified to me the Earl of Bristol by the Letters of October 8. give to your Majesty's Royal Daughter this Christmas the comfortable news of the near expiring of her great troubles and sufferings, as unto the Prince your Son in the Congratulation of being arrived to a most excellent Princess.*

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And having thus given your Lordships an account of his proceedings touching the *Palatinate*, he will, by your Lordships good favours, proceed to the other part of that Charge concerning the Marriage.

His carriage  
concerning the  
Match.

And first, touching his hopes and assurances, that he is charged to have given to his late Majesty, and his Ministers of State here in *England*, of the *Spaniards* real proceedings in the said Match, when, he said, he knew he never meant it; He faith, he never gave any hopes of their real proceedings, but such, and the very same that were first given to him, without adding or diminishing; neither could he have done otherwise, either with honesty or safety. And he further faith, That the hopes he gave, were not upon any Intelligence; but as well in that of the Match, as the other of the *Palatinate*, his Advertisements were grounded upon all the assurances, both of Words and Writing, that could possibly pass between Christians, as will be made evidently appear by his Dispatch of 9 September, 1623. which he humbly desires may be read, if the length of it may not displease. The substance being to shew all the Engagements and Promises of the King of *Spain*, that he really intended the Match. And the causes why the *Conde Olivares* pretended to the Duke of *Buckingham*, that the Match was not formerly meant, was only thereby to free himself from treating any longer with the said Earl, to the end that he might treat for larger Conditions in point of Religion with the said Duke: The said *Conde Olivares* taking advantage of having the Person of his Majesty, then Prince, in his hands. And with this Dispatch the said Earl acquainted his Majesty that now is, in *Spain*, before he sent it.

And by this Dispatch the Earl doubted not, but that it will appear to this Honourable Court, that whilst the Treating of this business was in hand, he proceeded in that, not only with care and industry, but with some measure of vigilancy. And for clearing an Objection that hath been alledged, that the Match was never meant before the Dukes coming into *Spain*, nor after; the Earl craveth leave to set down some few Reasons of many, which caused him to believe that the said Match was and hath been really meant, and that it was so conceived by both their Maiesties and the King of *Spain*, and their Ministers on both sides.

For first, The Duke of *Buckingham* certified his late Majesty, that the business of the Marriage was brought to a happy conclusion; whereupon his late Majesty was pleased to give order to the Duke and Earl, to proceed in the business; which his said Majesty would not have Treated till the said Marriage was concluded, as will appear by a Letter of his said late Majesty jointly to the Duke of *Buckingham* and the said Earl, of the 23 July, 1623.

Secondly, It will appear by Letters of the said Lord *Conway* to the Duke of *Buckingham*, bearing date Septemb. 4. 1623. That the said Duke had good assurance of the conclusion of the said Match; and upon this confidence were all things put in due execution in *England*, as had been Capitulated; and the Lord *Conway* and others faithfully agreed, and settled all the points of Immunity and Liberty for the Roman Catholicks, for the use of their Religion, as was set down in their Declaration, August 9. 1623. hereafter mentioned in the Answer to the Fifth Article of this Charge.

Thirdly, The very day his now Majesty and the Duke of *Buckingham* departed from the *Escorial* in *Spain* towards *England*, the said Duke solemnly

Means to shew  
that the Match  
was intended  
by the Spa-  
niards.

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solemnly swore the Treaty of the said Marriage, and the furtherance of it all that should be in his power, upon the holy Evangelists, in the presence of the said Earl and Sir *Walter Aston*.

2 Carol.

A Fourthly, The Treaty of the said Marriage had been formerly signed, sealed, and solemnly sworn by the King of *Spain*: And when his Majesty and that King took their leaves, he did solemnly, in the words of a King, faithfully and punctually protest to perform all that had been capitulated in the Treaty of Marriage; and thereupon embraced his Majesty at his departure, and sent the very next day a Letter, written all with his own hand, to his Majesty, vowing and protesting to make all good that he had capitulated or promised unto his Majesty, at his departure the day before. So that if there were no true meaning on the part of *Spain* to make the Marriage, as by Mr. Attorney is pretended, yet certainly the Earl hath not been sleightly deceived; neither can it be, as he conceiveth, any fault in him, since not only his late Majesty, but also his Majesty that now is, and the Duke of *Buckingham*, being then both upon the place, did confidently believe, and that upon other grounds than misinformations, suggestions, and persuasions of the said Earl, that the Marriage was really intended: And to that effect, both his late Majesty of blessed memory, and his most Excellent Majesty that now is, after his return into *England*, wrote unto him, the said Earl, several Letters, assuring him, that their intents and pleasures were to have the said Match proceeded in, and thereupon the Proxies of his Majesty, then Prince, were again inrolled and sent unto the said Earl. So that the said Earl having so many, and so great causes to be assured, that the Match was really intended on both sides, he conceiveth it will be hard for Mr. Attorney to make good that part of his Charge, wherein he affirmeth, that the Earl should know the contrary, or the Assurance to be upon false grounds, as in the said Article is alledged.

D II. To the second Article, he directly denieth all the supposed Offences wherewith he stands charged by the said Article. And for a clear declaration and manifestation of the truth and manner of his proceedings, he saith,

E First, As to the continuing the Treaties upon Generalities, That the Temporal Articles were by Agreements on both sides not to be treated or settled, until such time as the Articles of Religion were fully agreed on; for that it was held most proper and honourable for both sides, first, to see if the difficulty of Religion might be removed, before they passed to any further Engagements. And the said Articles of Religion, by reason of the Pope's new demands sent into *England* by Mr. *Gage*, were not signed nor condescended unto by his late Majesty, nor his Majesty that now is, then Prince, until Jan. 5. 1622. and were then sent away by Post out of *England* to the said Earl by Mr. *Simon Digby*, who arrived with them at *Madrid* in *Spain* about the 25. of the same month. But the Earl's care was such to have no time spent in the settling of the Temporal Articles, that before he would condescend so much as *de bene esse* unto the Articles of Religion, that they should be sent back to *Rome*, he procured the King of *Spain* to promise, That within the time limited for procuring the Desponsories, which was by *March* or *April* following at the furthest all Temporal Articles should be settled and Agreed, to the end that the *Infanta* might be delivered at the Spring, as by the King of *Spain* his Answer in writing was declared to be the King's intention; and accordingly

An. 1626. cordingly Sir *Walter Aston* and the said Earl did not deal in general, but did most industriously labour to settle all in particular, *viz.* That the Portion should be Two Millions, it appearing, that it was so agreed by the late King of *Spain*; That the Dispensation coming, the *Desponsories* should be within fourty days after; and that *Don Duarte de Portugal* should be the man that should attend the *Infanta* in the Journey: And all other particulars necessary for the conclusion of the said Treaties, were, by Sir *Walter Aston* and the said Earl, and the Spanish Commissioners, drawn up into Heads, in writing, and, after many debates, they were consulted with that King; and 2 *Martii 1623. stilo vet.* the *Conde Gondomar*, and the Secretary *Don Andreas de Prada*, were appointed to come home to the house of the said Earl, to signifie unto Sir *Walter Aston* and himself, as they did, That the King of *Spain* had declared his resolution in all the Particulars, and given them order to come to a speedy conclusion with them in all things: And that King's Answer to that Conclusion the Earl saw, and read, all written with the King of *Spain's* own hand.

On the seventh day of the said month of *March, 1623.* the King's Majesty, then Prince, and the Duke of *Buckingham*, arrived at *Madrid*; and the Spaniards took new Laws, and the Negotiation was put into a new form. So that whereas it is objected against the Earl, that he entertained and continued the Treaties so long upon Generalities, he conceives it is not meant upon the Spiritual Articles; for they were such as were sent from *Rome* into *England*, from thence they came to the Earl: And for the Temporal Articles, they were not to be settled and treated, till the Articles of Religion were concluded. He conceiveth it cannot be alleaged with any colour, that his Majesty was entertained with Generalities, since the time that the said Articles of Religion were brought unto the said Earl by Mr. *Simon Digby*, being about the 25. of *January*. There were but six weeks until *March 7.* following, when his Majesty, then Prince, arrived in *Madrid*; and, in the interim, all the above-mentioned Particulars were settled: And the time that hath been spent in this Treaty, hath not been through his, the said Earl's default, in continuing upon Generalities, without pressing to Particulars, but hath been caused, as well by Difficulties which the busines brought with it, as also with exterior Accidents, *viz.* The Wars of *Bohemia*, the death of two Popes, and the late King of *Spain*, without the least fault of the said Earl, as is acknowledged by the late King of blessed memory, in the said Earl his Instructions, on the 14 of *March 1621.*

Neither could any delay herein be attributed unto him the said Earl; for he was employed in those times into *Germany* and *Flanders*, and Sir *Walter Aston & Sir Francis Cottington*, for the space of three or four years, were resident in *Spain*; from whence the hopes they gave were upon all the discreet grounds that Ministers can expect from a State: But the Earl re-assumed this business six months before his Majesty's coming into *Spain*; and he was so desirous to see his Majesty, then Prince, bestowed, that he pressed nothing so much, both to the King and Prince, as that the Prince might lose no more time, and rather to break the Match with *Spain*, than suffer any further delays; as will appear by his Dispatches from his first arrival at the Court of *Spain*, until his Majesty, then Prince, his coming. For in his Letters of *June 20. 1622.* being the first he wrote after his first Audience, he was so desirous that no time might be lost, that in them he craveth leave of his Majesty, that in case he should find any Delays

*Bristol not the cause of the delays in Spain.*

Delays in Spain, he might, without expecting any Order, take his leave <sup>2</sup> *Caro.* and come home.

Upon the return of Sir Francis Cottington, in September following, he wrote both to the King, and his Majesty, then Prince. To the King, as followeth.

A **I** Shall presume to add to that which Mr. Cottington shall deliver unto your Majesty by word of mouth, of the present estate of the Match, what I conceive to be the right way to bring it to a speedy issue: That your Majesty will be pleased positively to declare, what you will do in point of Religion, and that you will appoint me a certain limited time, by which this King shall procure the Dispensation, or conclude the Match without it; and in case there shall be any further delay therein, that I may then declare your Majesty to be free and disengaged, to bestow the Prince in such sort, as you shall judge most convenient.

B And to the Prince, at the same time wrote in these subsequent words, *viz.*

C **T**HAT which will be necessary for his Majesty presently to do on his Majesty's part, is, to declare himself, how far he will be pleased to yield, in point of Religion, as Mr. Cottington will approve unto your Highness: And that he set a prefixed time to break or conclude the Match, either with the Dispensation, or without the same. And for the rest, it may be left to my Negotiation. But your Highness may be pleased to hasten his Majesty's resolution with all possible speed.

D And the said Earl saith, That having received from his said late Majesty his resolution in point of Religion, and a limited time according to his desire, he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one months respite longer time for the procuring of the Dispensation, until he had first acquainted his late Majesty therein, and received his directions under his own hand; as will appear by his Majesty's Letter of October 25. 1622. as followeth.

E **R**ight trusty and well-beloved Cousin and Counsellor, We greet you heartily well. Whereas by your last Letter written to our Secretary, dated Sep. 29. you are desirous to have our pleasure signified unto you under our own hand. Whether we will be content or not to grant a months time longer, for the coming of the Dispensation from Rome, than we have already limited unto you, in case they shall there conclude all things else to our contentment, with a resolution to send the Infanta hither the next Spring: We do hereby declare unto you, that in that case you shall not break with them for a months longer delay. We also wish you not to trouble your self with the rash censure of other men, in case your business should not succeed; resting in that full assurance of our Justice and Wisdom, that we will never judge a good and faithful Servant by the effect of things so contingent and variable. And with this assurance we bid you heartily farewell.

F And he further saith, That when he had agreed to the Articles of Religion, and that a certain time was set for the coming of the Dispensation, and a Conclusion of the Match, although he would bind himself to nothing without his Majesty's approbation, yet for that no time might be

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be lost, he agreed to the Propositions, *de bene esse*, sent by Mr. Porter, December 10. 1622. to the end the Articles might be immediately sent to Rome, without losing so much time as to hear first from England: And humbly moved, that in case his Majesty should like of the said Articles, he would send his Approbation directly to Rome for the gaining of time; which his Majesty was pleased to do. And at the same time he wrote both to his said late Majesty, and his Majesty, then Prince, as followeth, *viz.* to his Majesty,

A

*This is the true state of the business as it now standeth. If your Majesty approve of what is done, I hope it will be a happy and a short conclusion: If your Majesty think it not fit to allow and condescend to the said Articles, I have done the uttermost of my endeavours, and shall humbly persuade your Majesty not to lose a day longer in the Treaty; so much it importeth your Majesty and your Kingdoms, that the Prince were bestowed.*

And to the Prince in Letters of the like date, in this sort.

B

*I have presumed to write to his Majesty, that which I think my duty to say to your Highness; That in case you shall not approve of what is now conditionally agreed, you permit not a day more to be lost in this Treaty: For it is of so great consequence that your Highness were bestowed, that it importeth almost as much that you were speedily, as fitly matched. But I hope his Majesty, and your Highness, will in such sort approve of this last Agreement, as you will speedily bring this long Treaty to a happy conclusion. I am out of hope of bringing things to any better terms; therefore I deal clearly with your Highness, and do not only most humbly persuade, but, on my knees, beg it of you, that you either resolve to conclude this Match as you may, or speedily to break it, and bestow your self else-where; for no less than the happiness of your Kingdom, and the security of the King your Father, and your Self, depend upon it.*

C

All which things being considered, the Earl most humbly submitteh himself to the Judgment of that most High, and Honourable Court, whether the delays which Accidents have brought forth in this busines, can be attributed to his fault; since on the one side it will evidently appear to your Lordships, that he never moved his Majesty and the Prince to admit of delays, but rather to think of some other course; and it will on the other side appear by all the Dispatches, that he pressed things with the Ministers of Spain to as speedy a conclusion, as the uttermost terms of fair Negotiation and good manners would bear. And whereas it is pretended, that the Spaniards should take occasion, by entertaining the said Treaties, to abuse his said late Majesty (which he knoweth not) yet, he saith, he used all the vigilancy and industry that a careful Minister could do, and had from the Spaniards all the assurances, by oaths, words, and writings, which could be expected from Christians; the which, without adding or diminishing, he faithfully presented unto his said late Majesty; and his said late Majesty was pleased, in those times to conceive upon those assurances, that they dealt really with him: And he conceiveth that his Majesty that now is, then Prince; and the Duke of Buckingham, were pleased to write as much to the late King's Majesty, at their first coming into Spain, and that all which the Earl had written, touching that employment, was there avowed by the Conde Olivares and Conde Gondomar, to the said Prince and Duke, at their arrival at Madrid; and he hopeth, that if that Dispatch may be perused, it will as well appear and be adjudged, that he served his Majesty with some measure of vigilancy, as well as fulness of fidelity.

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2 Carols.

A III. To the third Article the said Earl saith, That he did not, either by words or by Letters to his late Majesty or his Ministers, extol, or magnifie the greatness and power of the King of *Spain*, nor represented to his late Majesty the supposed danger that might ensue unto him if a War should happen between him and the King of *Spain*, nor affirmed, nor insinuated the same, as in the said Article is mentioned; but if he did at any time speak or write of the power and greatness of the King of *Spain*, or represent any danger to his said late Majesty that might ensue by entring into Hostility with the said King of *Spain*, it was as a faithful Counsellor and Servant to his Majesty by way of his Advice and opinion, which he ever delivered sincerely, faithfully, and truly according to the present occasion, and in no wise with such an intent as in the said Article is mentioned, nor to any other evil intent or purpose whatsoever.

B But he hath been so far from disswading his late Majesty to take Arms, that he hath upon all just occasions advised, that all fitting preparations for War might be made, as beginning with the year 1621.

He never di-  
laxed the  
King to take  
Arms.

C from which time he is only charged, will appear by his Speech in Parliament presently after his return out of *Germany*; and that he hoped his Majesty would no longer rely upon single Treaties, but make all fitting preparations for War; and that the Parliament would enable his Majesty thereunto; and by the care he took before his going again upon his Ambassage into *Spain*, that the establishment of an Army under his Majesties own Standard, of Horse and Foot, and under his own pay, might be settled and provided for; as likewise his Advice to the Lords of the Council, that his Majesty might have a curb upon the King of *Spain* upon all occasions, by continuing Sir Robert Mansfields Fleet upon the Coasts of *Spain*, as will appear by his Letter written from *Vienna*, 26 July 1621.

D mentioned in the answer to the first Article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his Majesty might be well prepared for any occasions of War that should happen.

E And he no way remembred to have discouraged, or to have spoken or written any thing that might have been understood to have tended to the discouraging of his said late Majesty for the taking of Arms, and entring into Hostility with *Spain*, or for resisting of him and his Forces, from attempting the Invasions of his late Majesties Dominions, or the Dominions of his late Majesties Confederates, Friends or Allies, as by the said Articles is charged against him; neither remembreth that he had any cause so to do.

F But if he have in any kind spoken or written of *Spain*, or the power thereof, it may have been to his late Majesty, or to his Majesty that now is, by way of discourse, speaking of the solidness of the Spanish proceedings, of their serious and deliberate debating of busines before they resolve on them, of the constant pursuing of them when they are once resolved wished that *England* and other Nations would therein imitate them: For he supposeth the right way to impeach their greatness was to grow as wise as they, and to beat them at their own weapons.

But otherwise he is confident never to have been heard to speak or write any thing that might have any terror or discouragement, to his late Majesty or his chief Ministers, knowing that *England* well ordered, need to take little terror at the power of *Spain*, having almost in all attempts and enterprizes won honour upon them. And as for the preventing of dangers that might ensue upon a War, though he knew not what is

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aimed at in that particular : yet he is most confident out of the Integrity of his own Conscience, That he neither said, nor advised any thing but what besitteth a faithful Counsellor and Ambassador, which was truly to deliver his opinion as he understood it upon the present occasion : And as for affirming that his Majesties quiet should be disturbed, and he not to be permitted to Hawk or to Hunt, he remembreth not what discourse he may have had, or written to any person, how fit it might be upon the being broiled in a great War, seriously to intend it, and make it our whole Work. But as he is confident it will appear, that what discourse soever it might have been, it wanted not true zeal and affection which he hath ever born to the Kings Service, and he hopeth it will not be found to want due respect and reverence on his part, which he ought to shew to so gracious a Master. Neither can it be conceived, that the considerations of Hunting and Fowling, should be considerations worthy so great and prudent a King, to with-hold from a War for the good of Christendom, and his Kingdom, if he should have been justly provoked thereunto.

IV. To the fourth Article the said Earl saith, That he did not any thing contrary to his Duty and Allegiance, or contrary to the Faith and Duty of an Ambassador, as by this Article is alleadged ; but did intend the service and honor of his late Majesty; and no corrupt and sinister ends of his own advancement, as by this Article is so alleadged. And as for the Conference which is pretended he should hold concerning the Treaty That being told there was little probability that the said Treaties would or could have good success, he should acknowledge as much ; and yet said, he cared not what the success thereof might be, but that he would take care to have his Instructions perfect, and to pursue them punctually, and would make his Fortune thereby, or words to that effect ; he doth not ever remember to have held such discourse. Though it be true, the time hath been many years since, when he thought the Match very unlike to be effected, in regard unequal Answers were given in Prince *Henries* days, and of the unlikelyhood of accommodating the differences of Religion ; and saith further, That the reviving of the Treaty of the said Match for his Majesty that now is, was not by his means, for he ever declared his opinion clearly, both to his late Majesty, and to his Majesty that now is, That in the first place he wished and advised a Protestant Match, but in the duty of a Servant understanding that both their Majesties desired the Match really with *Spain*, he did really and faithfully intend the service and honor of their Majesties, and effectually endeavoured to procure their ends. And it is very likely he might say, he would get his Instructions perfect, and pursue them punctually, as he conceiveth was lawful and fit for him ; but the latter part of this Conference, that he should say he would make his Fortune by it, or any other words to that effect, he was in *Anno 1621*. And ever since of that rank and quality, both in regard of his Employments, Fortunes, and his Majesties Favors, that he assureth himself he did not, and dares answer so far for his discretion, That it was impossible for him to hold so mean and unworthy discourse.

He advised  
both King and  
Prince to a  
Protestant  
match.

V. To the Fifth Article he saith, That what is therein alleadged, is so far from being so, that contrarily upon all occasions to the uttermost of his power, he did labour to prevent all the inconveniences in point of Religion that might come by matching with a Prince of a different Religion,

ligion, as well appeareth by the Paper of his opinion, that his Majesty should Marry with a Lady of his own Religion, hereafter mentioned in his Answer to the Seventh Article. And for further proof therof, he saith, That in the whole Treaty with *Spain*, he stood more strict in point of Religion, than by his Instructions he needed to have done, as will appear by the Testimony of Sir *Walter Aston*, and his Dispatches, of the

A Twelfth of December, 1622. and other Dispatches which he desireth may be read. And as for concealing or perswading to set at liberty the Priests or Jesuits, he utterly denieth to have done any such thing, as before he hath answered. Although it be true, that the Ambassage in *Spain* be far different from the employment of other places, where there is a Body of our Reformed Religion, and whereby his Majesty hath Kindred and Allies; whereby his Majesties Ministers may be informed of the necessary Occurrents of State without the help of Priests or Jesuits. But

B in *Spain* there being none but *Roman Catholicks*, nor any manner of correspondence or intelligence but by them, the Ambassadors must make use of all sorts of People, especially of Jesuits and Priests, and to that end Ambassadors sent thither, have a large and particular Warrant under the Kings hand, to Treat and make use of Priests and Jesuits, and all other sorts of men, unless it be such as are proclaimed Rebels. And divers times the Ministers employed in *Spain*, to gratifie some whom there

C they employed for the Kings Service, have as he believeth, at their particular Suit moved his Majesty to extend Grace and Favour to some particular Friend, and Kinsman of his, being a *Roman Catholick*, and impri- soned in *England*; and that he remembreth to have happened to others, but doth not remember himself to have written to his late Majesty in that kind: And as concerning his advice and Counsel, to set at liberty Jesuits and Priests, and the granting to the Papists a Toleration, or the silencing of the Laws against them, he said, that his late Majesty was

D engaged by the Treaty at *Madrid*, 1617. in divers Matters concerning Religion; likewise by promise to *Conde Gondomar*, and his Letters to the King of *Spain*, 17 April, 1620. wherein he is pleased to promise some particulars in favour of *Roman Catholicks*, as by the said Letters will appear: And understanding the said Earl had sufficient Warrant under the Kings own hand to assure the King of *Spain* whatsoever was agreed in the said Articles, or in the said Letters, his Majesty would sincerely perform: yet the said Earl was so cautious in that point, that when for

E the conclusion of the Match the other Articles of Religion being allowed, it was pressed by the *Spanish* Ministers, that a Clause of Convenience might be inserted with Protestation, That the form and way thereof should be wholly left to his Majesties wisdom and Clemency, and that his Majesties *Roman Catholick* Subjects should acknowledge this Grace to have come from the King's Majesties Mercy and Goodness: Yet the said Earl would not condescend hereunto *De bene esse*, as by his Letters to

F Master Secretary *Calvert*, 8 Octob. 1622. will appear, hereby to give his Majesty time to have recourse unto his second Consultation, and to take it into consideration before he would engage or bind himself in this point: But his late Majesty, and his Majesty that now is, were pleased to condescend hereunto by signing the said Articles with their own hands, and likewise by writing their private Letters of the eighth of January, 1622. to that effect to the King of *Spain*, as by the said Letters will appear. Neither did the said Earl by Letters, or otherwise, ever Counsel or perswade his late Majesty, to grant or allow unto the Papists or Pro-

2 Caroli.

He never mo-  
ved his Maj-  
esty to set  
Priests at li-  
berty.

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cessors of the Romish Religion a free Toleration, and Silencing of the Laws made and standing in force against them, but ever protested against any such Tolerotion; and when any such provision hath been offered to be made in *Spain*, he ever refused so much as to give ear to it, or to suffer it to be propounded; although it be true, that he hath since seen a Paper touching Pardons, Suspensions, and Dispensations for the *Roman Catholicks*, bearing date the seventh of *August* 1623. Signed by the Lord *Conway*, and others, which in effect is little less than a Tolerati-  
on; which Paper is that which followeth.

Salisbury, 7 August, 1623.

The Declaration touching the Pardons, Suspen-  
sions, and Dispensations of the *Roman Catho-  
lics*.

A Declaration  
signed by my  
Lord *Conway*  
in behalf of  
the Roman  
Catholicks.

**F**OR the satisfaction of their Excellencies, the Marques Ynojosa and Don Carlos de Colonia, the Lords Ambassadors for the King of Spain; and to the end it may appear that his Majesty of Great Britain will presently and really put in Execution the Grace promised and intended to the Roman Catholicks his Majesties Subjects, and of his own Grace more then he is tyed to by the Articles of Treaty of Marriage.

We do Declare in his Majesties Name, That his Majesties Will and Pleasure is, that a Legal and Authentical Pardon shall be passed under the Great Seal, wherein shall be freely pardoned all those Penalties, Forfeitures, and Seisures, Indictments, Convictments, and Incumbzances whatsoever, whereunto the Roman Catholicks are lyable or habe been proceſſed against, or might be as well Priſle, as others, for matters of Conſcience only, and to which the rest of his Majesties Subjects are not liabile. And to the end his Majesty may make himself clearly understood, where it shall happen that any of those Forfeitures and pecuniary Multas habe been given away under his Majesties Great Seal; his Majesty will not hide that it is not in his power so to make void thole Letters Patents, except they be voidable by Law; and then his Majesty is well pleased that all Roman Catholicks may in these Cases plead in Law, if they find it good, and shall have equal and legal Trial. And his Majesty is likewise pleased, that his General Pardon shall remain in being five years, to the end, all that will, may in that time take it out; and his Ma- jesty will give order for the Comfort of the poorer sort, that the Pardon shall not be costly, but ſuch-like course shall be taken as we in a like occasion at his Majesties coming into England; and that it shall be lawful to put as many as can be poſſible into one Pardon.

And we do further Declare, That his Majesties Will and Plea-  
ſure is, to the end the Roman Catholicks his Majesties Subjects  
may have a preſent and a free fruition of as much as is intended  
1623

them by the Articles of Treaty of Marriage, to cause a present Suspension under his Majesties Seal of all those penal Laws, Charges and Forfeitures, whereunto the Roman Catholick Subjects of his Majesty have heretofore been subject, and to which the rest of his Majesties Subjects have not been liable; and in the same Grant and under the same Seal, to give a Dispensation and Toleration to all the Roman Catholicks his Majesties Subjects, as well A Priests, as Temporal persons and others, of and from all the Penalties, Forfeitures, Troubles, and Incumbances, which they have been or may be subject to, by reason of any Statute or Law whatsoever, to the observation whereof the rest of his Majesties Subjects are not bound. We do likewise Declare, that his Majesty hath promised on his Royal Word, that the execution shall be no ways burthensome or penal to the Roman Catholicks, but that for the manner of priviledging; and freeing them from that, he must confer with Bishops and Advocates, into which he will presently enter and expedite by all means.

B And we do further Declare; That his Majesties intention is presently to pursue his former directions (which had been before executed if their Excellencies had so thought good) to put under his Seal severally the said Pardon and Suspension, and Dispensation; and that his Majesties Attorney and Learned Council shall have referred to them the Charge to Pen them with all those effectual Words, Clauses, Expressions, and Reservations, which may presently give fruition to the Roman Catholicks his Majesties Subjects, and make them inviolable in the fruition of all that is intended and promised by his Majesty in the Articles of Marriage, and his Majesties further Grace.

C And we do Declare, That his Majesties further Will and Pleasure is, for the better satisfaction and discharge of the care and endeavour of their Excellencies the Ambassadors, that it shall be lawful to them to assign a discreet person to entertain such sufficient Lawyers as shall be thought fit to take care to the strength, validity, and security of the said Grants: and his Majesties Attorney shall have charge to receive and admit the said Lawyers to the sight and judgment of the said Draughts, and in any doubts to give them satisfaction, or to use such legal, necessary, and pertinent Words and Phrases, as he the said Lawyer shall propound for the security of the Roman Catholicks, and sure making of the said Grants.

D And we do further Declare, That his Majesties pleasure is to make a dispatch into Ireland unto his Deputy there, by the hands of the Lord Treasurer and Secretary of State Sir George Calvert, for the present confirming and sealing the things concerning the Roman Catholicks answerable to the Articles of Treaty, his Royal promise and Proceedings here. And for Scotland, That his Majesty according to the Constitution of his Affairs there, and regard to the Publick good, and peace of that Kingdom, and as soon as possible, will do all that shall be convenient for the accomplishment of his promise in Grace and Favour of the Roman Catholicks his Subjects, conformable to the Articles of Treaty of Marriage.

A. 1626.

But this Declaration, the said Earl saith and affirmeth was the effect of the Duke of Buckingham's Negotiation and treated and concluded by the Lord Conway with the Spanish Ambassador here, whilst the Prince was in Spain; neither was his privity or advice in it: For if he had known it, he should have protested against it. All which, together with the difference betwixt the Conditions of Religion agreed at the Treaty of Madrid, 12 December 1622, by the said Earl, and the said Sir Walter Aston, being by their Lordships considered, the said Earl doubteth not but that it will manifestly appear whose endeavour it was to advance the Romish Religion, and the Professors thereof; and judges the said Earl most unfortunate to be charged with an Article of this kind.

VI. To the Sixth Article the Earl saith, That the Assurances which he gave his late Majesty, and his Majesty that now is, concerning the Treaties were such, That it had been dishonesty and breach of his Duty and Trust, for him to have held them back, being the same that were given him by the Emperor, and the King of Spain, and their Ministers, upon as great Assurances as can pass between Ministers of Princes in the like case. And for the delays of Spain they could be never so ill, and with so little colour complained of, as at the time of his Majesties coming thither; for that a certain time was before then prefixed for the coming of the Dispensation, viz. in April 1623. at the furthest, which was the next Month after the Princes arrival at Madrid; the Desponsories were to be within four days following, and the Infanta begin her Journey into England twenty days after: So as three Months patience longer would have shewed the issue of the business without putting of the person of the Prince, being Heir-apparent to the Crown, in so eminent a hazard for the trying of an experiment. And it is an argument of great suspicion, because the Spaniards were suspected to have dealt falsely, and so the less to be trusted with the Person of the Prince, to be put into their hands to try conclusions: But the truth is, though that were made the pretended ground, and the occasion of the journey, it was neither the Assurances of the said Earl, nor the jealousies of Spain, but other Motives that were the original cause of his Majesties said journey, as shall be sufficiently made apparent in due time. And the said Earl having got an inkling of it by something that was let fall from the Conde Gondomar to that purpose, instantly dispatched away by Mr. Grisly to his late Majesty to have his journey prevented; who upon the Confines of France, met with his Majesty and the Duke of Buckingham on his journey towards Spain, and told them as much. So that although he confesseth what is laid in the charge to be true, viz. That by the said Journey, the Person of the Prince, the Peace and Safety of the Kingdom did undergo further danger (at the remembrance thereof the hearts of all good Subjects do tremble) yet the blame is due to the Authors and Advisers of the same Journey, and not to the said Earl; And although it pleased God, to the exceeding great joy and comfort of the said Earl, and of all good men, to send his gracious Majesty home with safety, yet never was the person of any Prince, upon such grounds, exposed to so great an hazard; and in such Cases, not the Success but the Counsellors are considerable.

VII. To the Seventh Article the said Earl saith, that he did not move

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move or perswade his Majesty, then Prince, to change his Religion neither in the manner in the said Article mentioned, nor in any other manner whatsoever: Neither doth he conceive, that the charge in it self as it is laid, will in any reasonable construction bare any such inference as is made therein; so as he conceiveth, he needeth not make any further or other answer thereunto. Yet that it may appear, that the manner he used to the said Prince was not traiterously, fally, or cunningly, nor without ground, or to any such intent, as in the said Article is supposed; And to manifest unto this most high and honourable Court, how far he was from all such intention, he saith, That he doth acknowledge that within few days after his Majesties coming into *Spain*, whilst he had the great honor to have his Majesty lodged at his Houle and to have so Royal a guest, finding by the *Spanish Ministers*, That there was a general opinion, that his Majesties coming thither was with an intention to become a *Roman Catholick*; and the *Conde Gondomar* having that very Morning pressed the Earl not to hinder so pious a Work (as he term'd it) of his Majesties Conversion, and seeming to be assured of the Duke of *Buckingham's* assistance therein, his Majesty being all alone in a withdrawing-Room in the said Earl his House, the said Earl kneeled unto him, and told him, That he had a business to impart unto him, which highly importeth his Majesty to know, so that he may be assured his boldnes therein might be pardoned; which his Majesty graciously promised. And thereupon the said Earl told his Majesty, That the general opinion of the Court was, that

B

his Majesties coming into *Spain*, was with an intention to be a *Roman Catholick*; and there to declare it. And he confesseth, That at the same time in regard of those things he had heard, he humbly besought his Majesty to deal freely with him as a Servant, of whose fidelity he might be confident, or words to that effect: but he was so far from persuading his Majesty to be a *Roman Catholick*, that without respecting his Majesties Answer, he declared himself to be a Protestant, and so should always continue; yet he said, he should always serve his Majesty, and labour to advance his, and the King his Fathers Affairs, with as much fidelity and honesty, as any Catholick whatsoever: and his Majesty was pleased

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then to make unto the said Earl, a full and clear Declaration of his Religion, and of his constant resolution therin; and seemed to be much displeased, that any should have so unworthy an opinion of him, as to think he woulde for a Wife, or any other earthly respect whatsoever, so much as waver in his Religion. Whereupon the said Earl besought his Majesty to pardon his boldnes, and then intreated him not to suffer his busines to be overthrown by permitting that conceit of his Conversion any longer to remain in the *Spaniards*, nor to any thing that might give them hope therein, alleadging, That it was impossible the Marriage could be without a Dispensation; and so long the *Spaniards* who were to procure the Dispensation, shou'd have hope of his Majesties Conversion they would never content themselves with a part; to which they were tyed by the Articles agreed upon with the said Earl and Sir *Walter Afton*.

D

At which time his Majesty was pleased to approve of his opinion, and said, He would expect the Dispensation, and did thereupon afterwards send Mr. *Andrews* to *Rome* to hasten it; and the next day the said Earl dealt very roundly with the *Conde Olivares* and *Gondomar*, telling them it was a discourteous manner of proceeding to press his Majesty to further Conditions then were formerly agreed upon in point of Religion, and to make his Conditions the worse, for the great Obligation he had put upon

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He persuaded  
not the Prince  
to change his  
Religion.

F

them

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them by putting himself into their hands; whereat they took such great offence, that they estranged themselves from him for a long time after. And that the said Earl did thus proceed with the said Conde's, and that it was not a new framed Answer to satisfy present Objections; but that which really and indeed passed, will really appear by his Dispatches unto his late Majesty of blessed Memory; and before his Majesty that now is, came out of Spain, they were there shewed unto his Majesty, bearing date the ninth of September, 1623. So that although it be true, That he the said Earl did not dissuade his Majesty, for that there was no cause for it; yet without expecting his Majesties Answer, he first made a clear and true Profession of his own Religion; and when his Majesty had declared to him his zeal and constancy, he humbly besought him, That the Spaniards might not for any respect be longer held in hopes of that point. And because point of Religion is that which all men of honour and honesty should chiefly desire to clear, especially having an imputation of that nature laid upon them, as the said Earl hath in the said Article. He humbly beseecheth your Lordships, that he may not seem to digress from his Charge; intending your Lordships satisfaction in that particular, not by the aforesaid verbal discourse only, which he professeth was in much zeal to Religion and dutiful care to the Prince in that kind, but by some written Testimony of his former opinion both of the Match and Religion. When he was first employed into Spain for the Treaty of this Marriage, 1617. his late Majesty having commanded him to give an account thereof unto his Majesty that now is, he at his departure towards Spain presumed to give unto his Majesty that now is, his opinion in Writing, Signed with his own hand, to be kept as a testimony of future Actions, the Copy whereof is this as followeth.

He advised  
both King and  
Prince; if they  
will Match  
with a Catho-  
lick, rather to  
Spain than  
France but  
chiefly, to a  
Protestant  
Princess.

SIR,  
**T**He opinion which I have ever presumed humbly to offer unto his Majesty concerning your Highness Marriage, hath been, that both in regard of Conscience and satisfaction unto his Majesties People and Allies; likewise for the security and quiet of your Majesties Estates, Your Highness might take for Wife some Protestant Princess, although she neither were Daughter to a King, nor had so ample a Portion as might relieve the Kings present Necessities and Wants; for then there might be many ways found to help the Kings wants, either by some few years providence and frugality, or by winning the affections of the people to the supplying of his Majesty by way of Subsidies in Parliament; whereas contrarwaise, if the number and power of the Papists shall be increased as undoubtably they will be by your Highness matching with any Catholick Princess, through the concession which must be of necessity for the exercise of her Religion for her self and Family, within your Highness Courts, and thereby by degrees these two different Religions shall grow to an equality of power; it will be great hazard and disquiet to the State, and not to be redressed without great danger, and courses of more violence, then is usual for this State to put in practice. But in case his Majesty out of his wisdom and consideration best known to himself, hold it fitteſt that your Highness match with France or Spain or any other Catholick, either for that the present time affordeth no Protestant Princess, who is for years or Blood suitable for your Highness, or that can in any considerable measure by the Portion, supply his Majesties present wants, I then conceive that the Match by which this State shall suffer least inconveniency and cumbers, and whereby his Majesties necessities shall by the greatness

greatnes of the Portion be the most relieved, is with Spain, if such a Match 2 Caroli. may be made with such conditions of Religion, as other Catholick Princes will contract themselves withall.

Thus much I thought fit humbly to present unto your Highness, for that I see my employment liable to the censure of many worthy Persons, with whom, though I concur in my Opinion, yet I seem much to differ from them many ways; for that it is more proper to me to be true to my Master's ends and services, than by the declaring this, to procure their satisfaction: Only to your Highness I thought fit to make this declaration, and shall be a suitor to you for your favour, as you shall see me really labour to put this in effect. And if his Majesty shall, either upon motion of Parliament, or any other Proposition that can be made unto him, think fit to proceed with a Protestant Match, as I shall wish as well unto it as any man living, so, I hope, in such sort to manage the present business that I have in hand, that it shall rather much further, than any way cross or hinder it. But in case his Majesty shall not be drawn to any Proposition for a Protestant Match, I then conceived, that your Highness both doth, and will approve, that I really and effectually labour to procure a Match for your Highness in Spain, upon such Conditions, in point of Religion and Portion, as to his Majesty shall seem fit.

Besides which Declaration of his Opinion, he hath all the days of his life, and in all places, lived and allowed himself to be a Protestant, never having done any the least act that was not suitable to that

He constantly professed the Protestant Religion.

C Profession: And in all his former Employments for the space of fourteen years, of more than five hundred persons of all qualities that attended on him, there was never one perverted in his Religion, saving two Irish Footmen, who, in Ireland had been bred Papists. And he

D humbly desired the testimony of Doctor Mason and Doctor Wren, his Majesty's Chaplains, who were with his Majesty in Spain, and of Mr. Sampford, one of the Prebends of Canterbury, Mr. Boswell, Parson of St. Lawrence in London, and Mr. Frewen Divinity-Reader in Magdalen-Colledge in Oxford, and now one of his Majesty's Chaplains, who were his Majesty's Chaplains in Spain; as well for the frequent use of the Sacrament, as constant profession and exercises of Religion, and the testimony of such Catholicks as are known to have been his antient Acquaintance and Friends, to examine them upon Oath, Whether publickly or privately, in Spain or in England, they had known him in any kind to make shew, or so much as to forbear, upon all occasions to declare the Religion he professeth. And

E that the said Mr. Frewen and Mr. Wake may be also examined, Whether in extremity of several sicknesses, whereinto he hath of late years fallen, he hath not ever settled his Conscience with them towards God, and made a Confession of his Faith, resolving as befitting a Protestant or good Christian.

F VIII. To the eighth Article the Earl saith, That he did not at any time, or in any place, endeavor to perswade the Prince touching his Religion, to become a Roman Catholick, and to be obedient to the usurped Authority of Rome; neither did the said Earl, to that end and purpose, or otherwise, use unto his Majesty, then Prince, the words in the Article mention'd. But the said Earl acknowledgeth, That upon occasion of a Letter that came to his Majesty, then Prince, putting his Majesty in mind of the great

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actions of his Royal Progenitors in the Holy War, that the great Kings of those times did not only employ their Forces, but in their Persons went into the Holy Land ; the Earl believeth that by way of discourse only, and not otherwise, he may have said, That in regard of the difference in Religion, it was of more difficulty to undertake such great actions now, than in former Ages ; and it might well be instanced in the present Treaty of the Marriage, wherein the Pope's consent was to be obtained. And to this effect, and upon the like grounds, he is confident there were very many that have, nay, few of nearness about his late Majesty, that have not often heard his Majesty say, That he was the true Martyr, that suffered more for his Religion than all the Princes of Christendom besides; instancing in divers particulars, ~~at~~ especially in this, That he could not Match his Children with Kings of his own rank, without the Pope's leave.

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But the Earl saith, He never alledged any such thing to any other purpose, than to shew, that only Conscience, and love to Truth, (in which regard, Protestants suffered much) not any Temporal respects, made men constant and zealous to the profession of our Religion. By which discourse he ever attributed much to the honor and security of Protestant Religion ; but never used it as an Argument to perswade to the contrary, as in the accusation is insinuated.

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Besides, he conceiveth, by way of Answer thereunto, the said Question may be asked, which his Majesty was pleased to ask of the Earl in the Seventh Article, *viz. What the said Earl saw in his Majesty, that he should think him so unworthy, as to change his Religion for a Wife, or any earthly respect whatsoever?* So, Why should it be thought, that being more fit to undertake great Actions in the World (being a meer Moral and Temporal respect) should be an Argument to perswade in Conscience so Religious a wife a Prince, and so well instructed as his Majesty is, as though the Soul of a Christian Prince was to be wrought upon, in point of Truth and Belief, by temporal and worldly respects of Conveniences and Greatness? It were necessary for the proving, that the said Earl perswaded his Majesty touching Religion, to produce some Arguments that he used out of Scripture, to satisfie him in point of Conscience in some Tenets of the Roman Church, or that he produced any Conference with Learned Men for his satisfaction in point of Religion : Otherwise the Articles used in this against the said Earl, do (as he conceiveth) carry little strength to prove the Charge of perswading his Majesty, either in regard of it self, or in regard of his Majesty's piety.

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IX. To the Ninth Article the said Earl saith, that there was a discourse in Spain of the way of accommodating the Prince Palatine his affairs ; and by way of discourse it was moved, That the Marriage of his eldest Son with a Daughter of the Emperor, and his Son to be bred in the Emperor's Court, would be the fairest way for the pacifying of, and accommodating those busynesses. And the Earl, by way of discourse, and not otherwise, did say, That he thought his late Majesty could not be adverse, either to the said match, or to the breeding of the Prince Palatine his Son with the Emperor ; so as thereby the whole Patrimonial Estate of the Prince Palatine, and the Dignity Electoral might be fully restor'd, and that his Son might be bred in his own Religion, and have such Preceptors, and such a Family, as his late Majesty and his Father, meaning the Prince Palatine, should appoint : and they to have free exercise of Religion :

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Religion: For so his late Majesty hath often declared himself to the said Earl, and wished him to lay hold on any occasion for the entertaining of

2 Caro.

any such Proposition. And otherwise than so, and upon the terms aforesaid, and by that way of conference and discourse only, he delivered not any opinion to his Majesty at his Majesty's being in Spain: For the said Earl is very confident, that his Majesty was returned out of Spain before any proposition was made for the said Marriage, other than by way of

A discourse, as aforesaid; the same, as the said Earl believeth, being first moved and debated on by way of Proposition between Mr. Secretary Calvert, and the Ambassador of the King of Spain, Octob. 2. 1623. his

B late Majesty, upon a relation made unto him by a Letter of Mr. Secretary Calvert, approved of the said Proposition, and declared the same to be the onely way, as he conceived, to accommodate with honor those great busineses: And wrote to that purpose to his Son in Law the Prince Palatine, by his Letters dated 9 Novemb. 1623. a Copy of which he, together with Mr. Secretary Calvert's Relation, and the Lord Conway, by his late Majesty's commandment, sent unto the said Earl; the Tenor of which, translated out of French, is as followeth:

V V E have thought good, that we may provide best and most soundly for your affairs, not only to procure, but also to assure your peace, were to cut up by the very roots that evil, which hath been settled in the heart of the Emperor, by the great displeasure and enmity he hath conceived against you. For the removing and quite extinguishing of which, it seemeth to us no better or more powerful means can be used, than a good Alliance, which may be proposed by us between your eldest Son, and the Daughter of the said Emperor, upon the assurance we have, we shall not be refused in this nature, if you on your part will give your consent. And for the more surety of the good success thereof, we are determined, before any such Proposition be made to the Emperor, to interest the King of Spain with us in the business, who, we trust, will lend us his helping hand, as well for the effecting of it, and bringing it to a good conclusion, as in procuring likewise, that the Condition be duly observed. Amongst which Conditions, if it happen that the Emperor should demand, that your Son, during his minority, should be brought up in his Court, we shall tell you, that we, for our own part, see no reason why you should stick at it, upon such Conditions as he might be tied unto, to wit, That the young Prince should have with him such Governor, as you shall please to appoint him, although he be no Roman Catholick; and that neither he, nor any of his, should be any way forced in matter of their Conscience. And our meaning is, so to order our proceeding in this Treaty, that before your said Son be put into the hands of the Emperor, we will have a clear and certain assurance of an honorable entire, and punctual restitution of all whatsoever belonging to you: As also we will take care to provide accordingly, as fully and exactly for the Assurances requisite for the Liberty of Conscience, for him and his Domesticks, as they have done here with us touching those that have been granted them for the Infanta. And therefore seeing there is no inconvenience at all, that may cause your averseness or backwardness in this business, which we, for our parts, think to be the best, shortest, and most honorable way that you can take, for the compassing of the entire Restitution, and making your Peace sure with the Emperor, we hope your opinion will concur with us therein, and shall intreat you, by the first, to send us your Answer.

King James proposeth a Match to the Prince Palatine, between his eldest Son and the Emperors Daughter.

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By which Letters, after his Majesty's coming out of *Spain*, it appeareth to your Lordships, that there was no proposition of the Marriage betwixt the Son of the Prince Palatine and the Emperor's Daughter, when that Letter was written; for therein his Majesty saith, he was determined to interest the King of *Spain* in the business, before any such proposition should be made to the Emperor. And it will also thereby appear, that his late Majesty's opinion was of the conveniency thereof; which the said Earl hopeth will acquit him, if by way of discourse only he declared what his Majesty's inclination was, which, with honesty, he could not have concealed. And the said Earl saith, He doth not remember what Answer Sir *Walter Aston* made upon that discourse which he then delivered, nor what Replies the said Earl made; but sure he is, whatsoever the said Earl said, or what Answer or Reply soever was made, as it was by way of discourse, and not otherwise, so it was according to that which he truly conceived to be the best and easiest way to accommodate the business, and to be his Majesty's pleasure, (which the said Sir *Walter Aston* may be ignorant of, (as he is confident that he was) and not out of any disaffection to our Religion, or for any sinister respect or regard to the House of *Austria*, as by the said Article is intimated: For he did conceive the breeding of the Prince Palatines Son with the Emperor, having a *Governour* appointed by his late Majesty and his Father, and he and his Domesticks to have free use of their own Religion, to be a matter of impossibility, or such dangerous consequence in point of Religion, as to imply his Conversion, as by the Article is intimated; well knowing, that in the Emperor's Court, all Princes there, though his Prisoners, and others his Counsellors and Servants about his Person, and of great Command in his Armies, being avowed Protestants, have the free use of their Religion: And it is not to be supposed the Son of the Prince *Palatine*, Grandchild to the King of *Great Britain*, should be matched, and no care taken to capitulate for the use of his Religion, being ever granted to the meanest Prince that is bestowed. And his Majesty's special care in this point is fully seen in the said Letter.

X. To the Tenth Article he saith, That by comparing of this Article of his too much forwardness, with the Second Article, whereby he is charged with continuing the Treaty upon generalities, without reducing them to Certainties and direct Conclusions, your Lordships will perceive how impossible it was for him to avoid an Exception. But for direct Answer to the present Charge, he saith, That he did not presumptuously, nor yet to his knowledge, break his Instructions, nor set any day at all for the Desponsories; but was therein meerly *passe*, in admitting the day nominated by the King of *Spain*, according to the Capitulation before made: Nor did he presumptuously, wilfully, or willingly disobey any Commandment or Direction of his Majesty that now is, then Prince, which he could understand not to be countermanded, either by present or future Instructions otherwise explained.

And for the better manifestation of the truth of his proceedings in, and concerning the same, he saith, That on the day of the departure of his Majesty, then Prince, from the *Escorial* in *Spain*, his Highness delivered unto him, in presence of the Commissioners, his Proxies powers, with publick Declaration taken in writing by the Secretary to the King of *Spain*, of the Prince his pleasure, and how the said Earl should use them, *viz.* That he should deliver them to the King of *Spain*, upon the coming of the

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2 Caroli:

A the Dispensation cleared from *Rome*, according to that which hath been agreed, which was to be within ten days after the coming of the Dispensation. And he further saith, That it is true, that the Prince afterwards by his Letters sent by one Mr. Clark, commanded him the said Earl not to deliver the said Proxies, till he should have received security, that the *Infanta*, after her being betrothed, should not enter into any Religious Order, and that before he proceeded, he should send to his Majesty, then Prince, such securities as should be offered, that he might judge whether it were sufficient or not.

B Whereupon the said Earl, as became a faithful Servant, presented unto his Majesty that now is, then Prince, such assurances as were offered unto him, for securing of that point, together with such Reasons as he conceived were fit to be offered to their considerations; which gave unto his late Majesty, and his Majesty that now is, then Prince, such satisfaction, as they were pleased to dispatch a Post presently unto him, absolutely discharging him of that commandment, as by their several Letters, dated October 8. 1623. will appear, as followeth,

C We have received your Letters by Grisley, and the Copy of them to our dear Son; and we cannot forbear to let you know, how well we esteem that dutiful, discreet, and judicial Relation, and humble advice to our Son: Whereupon, having fully deliberated with our self, and communicated with our dear Son, we have resolved, with the good liking of our Son, to rest upon that security, in point of doubt, for the Infanta's taking a Religious Order, which you, in your judgment, shall think meet.

D And by that other Letter of his Majesty that now is, then Prince, as followeth; viz.

E Your Letter to the King and me, concerning that doubt I made after I came from St. Laurence, hath so satisfied us both, that we think it fit no longer to stick upon it, but leave it to your discretion to take what security you shall think fitting.

F Whereby he was absolutely freed of that command; and being so freed thereof, he then remained under the Order which his Majesty, then Prince, had left with him at his departure, which was, to proceed according to the Capitulations, and his Highness Declaration, when he delivered the said Proxies unto him: And so he intended to have done, till by his Highness's Letters, November 13. 1623. he was directly commanded the contrary; which Commandment he directly and punctually obeyed.

G And for such his intentions, till he was countermanded, he conceiveth he had not only sufficient warrant, but had highly offended if he had done otherwise. For first, for his proceedings to consummate the Match, he had warrant and instruction under his late Majesty's hand. Secondly, It was the main scope of his Ambassage. Thirdly, He was enjoyned by the King and Prince his Commission, under the Great Seal. Fourthly, He had positive order, under his Majesty's hand, by Letters since. Fifthly, It was agreed by Capitulation, that it should be within so many days after the coming of the Dispensation. Sixthly, His late Majesty, and his Majesty that now is, then Prince, signified by their Letters unto him at the same time, when they discharged him of his Commandment touching

The Earl's  
Reasons why  
he was for-  
ward to con-  
summate the  
Match, till  
warrant came  
to the con-  
trary.

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touching the *Infanta's* entring into Religion, that they intended to proceed in the Marriage, as by his Majesty's Letters, Octob. 8. 1623. will appear. Seventhly, the Proxies were to that end left in his hands, and after again reviewed after his Majesty's return into England. Eighthly, he had overthrown the Marriage without order: For although Sir Walter Aston and himself used all possible means for the gaining of time, and deferring the Desponsories; yet the King of Spain caused it to be protested, That in case he, the said Earl, should insist upon the deferring of the Desponsories, he would free himself from the Treaty by the said Earl's infringing of the Capitulations: And in truth, although the King of Spain should have condescended to have prolonged the Desponsories until one of the days in *Christmass*, as by the Letter was required; yet the Prince's Proxies had been before that time expired, and he durst not, without a precise Warrant, put such a scorn upon so noble a Lady, whom, he then conceived, was likely to have been the Prince his Wife, as to nominate a day of Marriage when the Proxies were out of date, and he was himself sworn to the Treaty. And lastly, he could not in honour and honesty, but endeavour to perform that publick Trust reposed in him, when the Proxies were deposited in his hands, with publick and legal Declaration, with an Instrument by a Secretary of State to the King of Spain, leading and directing the use of them, and the same being then *Instrumentum stipulatum*, wherein as well the King of Spain was interessed by the acceptation of the substitution, as the Prince by granting of the Proxies, he could not in honesty fail the publick Trust, without clear and undoubted Warrant; which as soon he had, he obeyed. So as the Case standing thus, the said Earl is very confident, that the supposed Countermands, Directions, and Restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient Warrant against the aforesaid Orders and Reasons before specified: And is also as confident, That what is assured out of his, the said Earl's Dispatches, will also appear to be misunderstood; and that if he had proceeded to the execution of the Desponsories, before he received direct and express commandment to the contrary by the aforesaid Letters, Novemb 13. 1623. which he readily and punctually obeyed, he had not, under favour, broken his Instructions, or deserved any blame for lack of assurance of the restitution of the *Palatinate*, and Temporal Articles.

And first, of the *Palatinate*, his said Majesty did not send to the said Earl express Directions not to dispatch the Desponsories, until a full conclusion were had of the other Treaty of the *Palatinate*, together with that of the Marriage, as by the said Article is alledged; only his late Majesty, by the aforesaid Letters of October 8. required the said Earl so to endeavour, that his Majesty might have the joy of both at *Christmass*. Whereas his Instructions of May 14. 1621. were express, that he should not make the business of the *Palatinate* a condition of the Marriage. And his late Majesty's Letters of December 30. 1623. were fully to the same effect. Yet did the said Earl, according to what was intimated by the said Letters of October 8. so carefully provide therein, as that before the Proxies were to be executed, he had an absolute Answer in the business of the *Palatinate*, the same should be really restor'd according to his late Majesty's desire; and the *Conde Olivares*, both in his Majesty's name, and in his own, desired the said Earl and Sir Walter Aston, that they would assure his Majesty of the real performance of the same,

and

A and intreated, if need were, they should engage their honour and life for it, as by their joyn't Dispatches of November 23. 1623. will appear ; and so much the said Sir Walter Aston, and the said Earl, agreed should be delivered to them in writing, before they would have delivered their Proxies, and so the said Earl declared it ; the which Answer in writing should have been the same, which since was given them of January 8. 1623. And both Sir Walter Aston and the said Earl were confident therein, as they, by their said Letters of November 23. wrote to his late Majesty , as followeth ; viz.

B *That his Majesty might, according to his desire, signified to the said Earl, by his Letters of October 8. give, as well to his Majesty's Daughter that Christmas, the comfortable news of the expiring of her great troubles and sufferings, as to his son the Prince the Congratulations of being married to a most worthy and excellent Princess.*

C D E F By which it will evidently appear, he meant not to leave the busyness of the *Palatinate* loose, when he intended to proceed to the Marriage ; but he confessed, that he was ever of opinion, that the best pawn and assurance his late Majesty could have of the real proceeding of the *Palatinate*, was, That they proceeded really to the effecting of the Match ; and of the same opinion was his late Majesty also, and the Lords Commissioners here in *England*, as appeareth by his Instructions, dated March 14. 1621. which opinion still continued in them, as appeareth by his late Majesty's Letters of January 7. 1622. And as for the Temporal Article, the said Earl saith, When the Desponsories were formerly appointed to have been, as he remembreth on Fryday, August 29. before the departure of his Majesty, then Prince, out of *Spain*, which was onely hindred by the not coming of the Dispensation, the Prince appointed him and Sir Walter Aston to meet with the Spanish Commissioners, and they drew up the Heads of the Temporal Articles, wherewith the Prince and the Duke of *Buckingham* were acquainted ; and in case the Dispensation had come, and the Desponsories been performed on that day, there had been no other Provision made for them before the Marriage ; but presently, upon the Prince his departure, he, the said Earl, caused them to be drawn into form, and sent them to his late Majesty, September 27. 1623. desiring to understand his Majesty's pleasure with all speed, especially if he disapproved any thing in them ; but never received notice of any dislike thereof, until the aforesaid Letters of November 13. 1623. which put off the Desponsories. So as it appeareth, the said Earl was so far from breaking his Instructions, or from having any Intention to have proceeded to the execution of the Desponsories, before his Majesty and the Prince were satisfied of this point of the *Infanta* entring into Religion, or before convenient assurance, as well for the restitution of the *Palatinate*, as performance of the Temporal Articles, that he deserveth, as he conceiveth under favour, no blame, so much as in intention ; but if he had erred in intention only (as he did not) the same being never reduced into Act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution : for so it is in Cases towards God. And as to the matter of Aggravation against him, that he appointed so short a time for the Desponsories, as that without extraordinary diligence the Prince had been bound, he thereto saith, as he said before, that he set no day at all thereunto, nor could defer it after the Dispensation came

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came from *Rome*, without a direct breach of the Match so long laboured in, and so much desired; yet he and Sir *Walter Aston* having used all possible industry to discover how the motion of deferring the Match would be taken; and finding an absolute resolution in the King of *Spain* to proceed punctually, and to require the Proxies according to the Capitulation, within ten days after the coming of the Dispensation; and that time also getting advertisement from *Rome*, that the Dispensation was granted, and would presently be there; he, the said Earl, to the end, in so great a Cause, he might have a clear and undoubted understanding of his late Majesty's pleasures, sent a Dispatch of November 1. with all diligence unto his Majesty, letting his Majesty know, that it could not be possible for him to protract the Marriage above four days, unless he should hazard the breaking, for which he had no warrant.

But that this was no new resolution, nor the King so straitned in time, as by the said Article is pretended, will appear by the said Earl's dispatch of September 28. 1623. In which, upon Scruple that was then made of the *Infanta's* entring into Religion, he wrote to the same effect; viz. *That if the Dispensation should come, he knew no means how to detain the Proxies above twenty or twentyfour days.* So that although difficulty happened until the midst of November, 1623. yet it was foreseen, that it must of necessity happen whensoever the Dispensation should come; and then was warning of two moneths given thereof; viz. from September 24. until November 29. which was the time appointed for the De-  
sponsories.

So as he most humbly submits himself unto your Lordships, which of the two ways was the safer or duifuller for him to take; whether upon inferences and conjectures, to have overthrown so great a business; or, on the other side, first, to have presented unto his Majesty the truth and sincerity as he did, the true estate of his affairs, with his humble opinion therein, with an intimation, that if his Majesty should resolve to break the Match, that for the said Earl his honest discharge of the publick Trust reposed in him, when the Proxies were deposited in his hands, and for his sufficient warrant in so great a Cause, his Majesty would be graciously pleased to give him clear and express order (which he had not) and in the interim, whilst his Majesty might take into consideration the great inconveniencies that might ensue, the said inconveniencies might be suspended, and the business kept upon fair terms, that his Majesty might have his way and choice clear and unsold before him.

And as to the evil Consequences which are pretended would have followed, if the said Earl had proceeded to the consummation of the Match, before he had express order and warrant to the contrary; he supposeth his Majesty should speedily have seen the Marriage, which he so long sought to have effected; that the Prince should have had a worthy Lady whom he loved; that the Portion was much greater than ever was given in Money in *Christendom*; that the King of *Spain* had engaged himself for restitution of the *Palatinate*; for which, the said Earl conceived a Daughter of *Spain*, and Two Millions, had been no ill Pawn; besides many other additions of advantage to the Crown of *England*: Whereas on the contrary side, he foresaw, that the Prince would be kept a year longer unmarried, a thing that so highly concerneth these Kingdoms; he doubteth, that the recovery of the *Palatinate* from the Emperor and Duke of *Bavaria* by force would prove a great difficulty

difficulty, and that Christendome was like to fall into a general Combustion: So that desiring that his Majesty should have obtained his ends, and have had the honour and happiness, not only to have given peace, plenty, and increase unto his own Subjects and Crowns, but to have propounded the greatest differences that had been these many years in Christendom: And by his Piety and Wisdom, to have prevented the shedding of too much Christian Blood, as he feared, would ensue, if these busynesses were disordered. These Reasons, he confessed, and the zeal unto his Majesty's service made him so earnestly desire the effecting of this business, and cannot but think himself an unfortunate Man ( His Majesty's affairs being so near settling to his Majesty's content, as he conceived they were, and hoping to have been to his Majesty, not only a faithful Servant, but a successful Servant) to see the whole estate of his affairs turned upside down, without any the least fault of his; and yet he the only Minister on the English and Spanish side that remained under disgrace.

XI. To the Eleventh Article, the said Earl saith, That the Article is grounded upon a Petition by him preferred to this Honourable House, supposed to be scandalous; which your Lordship's ( as he conceiveth) according to the Customs and Priviledges of the House of Peers, would have been pleased first to have adjudged so to have been, either for matter appearing in it self, or upon hearing the said Earl; for if the matter appearing in the Petition it self, be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents, be taken for a Scandal, till it be examined and found false. For a plain and direct Answer therunto, he saith, That the said Petition is such, as will not warrant any such inference, as by the said Article is intforced. And that he hopeth to justify the Contents of the said Petition in such sort, as shall not displease his Majesty, nor deserve that expression which is used in the Charge; but contrariwise what he hath said, or shall say therein in his defence, shall in all things tend to the Honour and Service of his Majesty, by reducing into his memory divers Circumstances, and laying before him the passages of divers particulars, which by undue practices have been either concealed from his Majesty, or mis-related to him.

Having thus offered to this High and Honourable Court, such Proofs and Reasons, as he hopeth shall, in your Lordships wisdom and Justice clearly acquit him of any Capital Crime, or wilful Offence; if it shall appear, that out of Errors of Judgment, too much ferventness of zeal to his Majesty's service, or the ignorance of the Laws of this Realm, (wherewithal he hath not been able to be so well acquainted as he ought, by reason of Forreign Employments by the space of many years) or by any other ways or means he hath fallen into the danger in the Laws for any thing pardoned in the General Pardon, made in the Parliament holden at Westminster, Anno Vicesimo Primo Regni, Imp. Jacobi Angliae, &c. of blessed memory, he humbly prayeth allowance of the Pardons, and the benefit thereof (with this Clause, That he doth and will aver, that he is none of the persons excepted out of the same) although he is very confident, he shall not need the help of any Pardon, having received many significations, as well from his Majesty's own Mouth, that he had never offended his Majesty, as lately

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" lately, by several Letters of the Lord Conway, that he might rest in  
 " the security he was in, and sit still, and should be no further question-  
 " ed. But the hopes your Lordships will not onely find him so far from  
 " blame, but that he hath served his late Majesty of blessed memory, and  
 " his most gracious Son, the King's Majesty that now is, with that fidelity,  
 " care, and industry, that your Lordships will take course, as you, in  
 " your wisdoms, shall think fit, not onely for upholding the Honour  
 " and Reputation of a Peer in this Realm, after so many Employments,  
 " but likewise become humble and earnest Suitors to his Majesty on his  
 " behalf (which he humbly prayeth) that he may be restored to his Ma-  
 " jesty's good favour, which, above all worldly things, he most deti-  
 " reth.

The Eighth of May, the Commons brought up their Charge against the Duke, which was delivered at a Conference of both Houses, and spun out two days time. It was managed by Eight Members, and Sixteen more as Assistants. The Eight chief Managers were, Sir Dudly Diggs, Mr. Herbert, Mr. Selden, Mr. Glanvile, Mr. Pym, Mr. Sherland, Mr. Wandesford, and Sir John Elliot.

Sir Dudly Diggs, by way of Prologue, made this Speech,

My Lords,

" **T**here are so many things of great importance to be said in very  
 " little time to day, that I conceive it will not be unacceptable to  
 " your Lordships, if (setting by all Rhetorical Affectations) I only in  
 " plain Countrey Language, humbly pray your Lordships favour to in-  
 " clude many excuses necessary to my manifold infirmities in this one  
 " word, I am commanded by the Knights, Citizens, and Burgesies of the  
 " Commons House, to present to your Lordships their most affectionate  
 " Thanks for your ready condescending to this Conference; Which, out  
 " of confidence in your great Wisdoms, and approved Justice, for the  
 " service of his Majesty, and the welfare of this Realm, they desired upon  
 " this occasion.

" The House of Commons, by a fatal and universal concurrence of  
 " Complaints, from all the Sea-bordering parts of this Kingdom, did  
 " find a great and grievous interruption, and stop of Trade and Traffick:  
 " The base Pirats of *sally* ignominiously infesting our Coasts, taking our  
 " Ships and Goods, and leading away the Subjects of this Kingdom into  
 " barbarous Captivity; while, to our shame and hinderance of Commerce,  
 " our Enemies did (as it were) besiege our Ports, and block up our best  
 " Rivers mouths. Our Friends, on slight pretences, made Embargoes of  
 " our Merchants Goods, and every Nation (upon the least occasion) was  
 " ready to contemn and slight us. So great was the apparent diminution  
 " of the antient Honour of this Crown, and one strong Reputation of  
 " our Nation. Wherewith the Commons were more troubled, calling to  
 " remembrance, how formerly, in *France*, in *Spain*, in *Holland*, and every  
 " where by Sea and Land, the Valours of this Kingdom had been better  
 " valued, and even in latter times, within remembrance, when we had  
 " no Alliance with *France*, none in *Denmark*, none in *Germany*, no Friend  
 " in *Italy*; *Scotland* (to say no more) ununited, *Ireland* not settled in peace,  
 " and much less security at home; when *Spain* was as ambitious as it is  
 " now,

A " now under a King ( Philip the Second ) they called their Wisest : the  
 " House of Austria as great and potent, and both strengthened with a ma-  
 " litious League in France, of persons ill-affected, when the Low Coun-  
 " treys had no being : yet, by constant Counsels, and old English ways,  
 " even then, that Spanish pride was cooled, that Greatness of the House  
 " of Austria, so formidable to us now, was well resisted ; and to the U-  
 " nited Provinces of the Low-Countrys, such a beginning, growth, and  
 " strength was given, as gave us Honour over all the Christian World.  
 " The Commons therefore wondring at the Evils which they suffered,  
 " debating of the Causes of them, found there were many drawn like one  
 " Line to one Circumference, of decay of Trade, and strength of Honour  
 " and Reputation in this Kingdom ; which, as in one Centre, met in one  
 " Great Man, the Cause of all, whom I am here to name, the Duke of  
 B " Buckingham.

Here Sir Dudly Diggs made a little stop, and afterwards read the Preamble to the Charge, viz.

C The Commons Declaration and Impeachment  
 against the Duke of Buckingham.

D F or the speedy redress of great Evils and Mischiefs, and of the chief cause  
 of these Evils and Mischiefs which this Kingdom of England now grie-  
 vously suffereth, and of late years hath suffered; and to the honour and safety of  
 our Sovereign Lord the King, and of his Crown and Dignity ; and to the  
 good and welfare of his People, The Commons in this present Parliament, by  
 the Authority of our said Sovereign Lord the King, assembled, Do, by this their  
 Bill, shew and declare against George, Duke, Marquis, and Earl of Buck-  
 ingham, Earl of Coventry, Viscount Villers, Baron of Whaddon, Great Ad-  
 miral of the Kingdoms of England and Ireland , and of the Principality of  
 Wales, and of the Dominions and Islands of the same, of the Town of Calais,  
 and of the Marches of the same, and of Normandy, Gascoign, and Guienne,  
 General, Governour of the Seas and Ships of the said Kingdom, Lieutenant-  
 General Admiral, Captain-General and Governour of his Majesty's Royal  
 Fleet and Army lately set forth, Master of the Horse of our Sovereign Lord  
 the King, Lord Warden, Chancellor, and Admiral of the Cinque-Ports, and  
 of the Members thereof, Constable of Dover Castle, Justice in Eyre of the  
 Forests and Chases on this side the River Trent, Constable of the Castle of  
 Windsor, Gentleman of his Majesty's Bed-chamber, one of his Majesty's  
 most Honourable Privy-Council in his Realms both in England, Scotland,  
 and Ireland, and Knight of the most Honourable Order of the Garter : The  
 F Misdemeanors, Misprisions, Offences, Crimes, and other Matters, comprised  
 in the Articles following ; and him the said Duke do accuse and impeach of the  
 said Misdemeanors, Misprisions, Offences and Crimes.

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My Lords,

" His lofty Title of this mighty Man, methinks, doth raise my spirits  
 " to speak with a *Paulo majora Canamus*; and let it not displease  
 " your Lordships, if, for Foundation, I compare the beautiful structure,  
 " and fair composition of this Monarchy wherein we live, to the  
 " great Work of God, the World it self: In which, the solid Body  
 " of incorporated Earth and Sea, as I conceive, in regard of our Hus-  
 " bandry, Manufactures, and Commerce by Land and Sea, may well  
 " resemble us the Commons. And, as it is encompassed with the Air, and  
 " Fire, and Spheres Celestial, of Planets, and a Firmament of Fixed  
 " Stars; all which receive their Heat, Light, and Life from one great, glo-  
 " rious Sun, even like the King our Sovereign. So that Firmament of  
 " Fixed Stars, I take to be your Lordships; thole Planets, the great Officers  
 " of the Kingdom; that pure Element of Fire, the most Religious, Zeal-  
 " ous, and Pious Clergy; and the Reverend Judges, Magistrates, and  
 " Ministers of Law and Justice, the Air wherein we breathe: All which  
 " encompass round with cherishing comfort, this Body of the Commons,  
 " who truly labour for them all; and though they be the Footstool,  
 " and the lowest, yet may well be said to be the settled Centre of the  
 " State.

" Now ( my good Lords ) if that glorious Sun, by his powerful  
 " Beams of Grace and Favour, shall draw from the Bowels of this Earth  
 " an Exhalation that shall take Fire, and burn and shine out like a Star, it  
 " needs not to be marvelled at, if the poor Commons gaze and wonder at  
 " the Comet, and when they feel the effects, impute all to the incorrup-  
 " tible matter of it; but if any such imperfect mixture appear, like that  
 " in the last Age in the Chair of *Cassiopeia*, among the Fixed Stars them-  
 " selves, where *Aristotle* and the old Philosophers conceived there was no  
 " place for such Corruption, then, as the Learned Mathematicians were  
 " troubled to observe the irregular Motions, the prodigious Magnitude,  
 " and the ominous Prognosticks of that Meteor; so the Commons, when  
 " they see such a Blazing Star in course so exorbitant in the Affairs of  
 " this Common-wealth, cannot look upon it, and for want of Perspe-  
 " ctives, commend the nearer examination to your Lordships, who may  
 " behold it at a nearer distance. Such a prodigious Comet the Commons  
 " takes this Duke of *Buckingham* to be; against whom, and his irregular  
 " ways, there are, by learned Gentlemen, legal Articles of Charge to be  
 " delivered to your Lordships, which I am generally first commanded to  
 " lay open.

" 1. The Offices of this Kingdom, that are the Eyes, the Ears, and the  
 " Hands of this Commonwealth, these have been ingrossed, bought and  
 " sold, and many of the greatest of them holden even in the Duke's  
 " own hands; which severally gave, in former Ages, sufficient content to  
 " greatest Favourites, and were work enough for wisest Counsellors;  
 " by means whereof, what strange abuses, what infinite neglects have fol-  
 " lowed? The Seas have been unguarded, Trade disturbed, Merchants  
 " oppressed, their Ships, and even one of the Royal Navy, by cunning  
 " practice, delivered over into Forreign hands; and contrary to our good  
 " King's

" King's intention, employed to the prejudice (almost to the ruine) of  
" Friends of our own Religion.

A " 2. Next, Honors, ( those most precious Jewels of the Crown ) a  
" Treasure inestimable, wherewith your Noble Ancestors ( my Lords )  
" were well rewarded, for eminent and publick Service in the Common-  
" wealth at home ; for brave Exploits abroad, when covered all with  
" dust and blood, they sweat in service for the Honour of this Crown.  
" What back-ways, what by-ways, have been by this Duke found out ,  
" is too well known to your Lordships. Whereas antiently it was the  
" honour of *England* ( as among the *Romans* ) the way to the Temple of  
" Honour, was through the Temple of *Vertue*. But I am commanded to  
" pres this no further, than to let your Lordships know, one instance  
" may ( perhaps ) be given of some one Lord compelled to purchase Ho-  
" nour.

B " 3. As divers of the Duke's poor Kindred have been raised to great  
" Honours, which some have been, and are likely to be more chargeable  
" and burthensome to the Crown ; so the Lands and Revenues, and the  
" Treasuries of his Majesty, have been intercepted and exhausted by this  
" Duke and his Friends, and strangely mis-employed with strange confu-  
" sion of the Accounts, and overthrow of the well established antient  
" Orders of his Majesty's Exchequer.

C " 4. The last of the Charges which are prepared, will be an Injury of-  
" fered to the Person of the late King, of blessed memory, who is with God,  
" of which ( as your Lordships may have heard heretofore ) you shall a-  
" non have further information. Now upon this occasion, I am com-  
" manded by the Commons, to take care of the Honour of the King our  
" Sovereign that lives, ( long may he live to our Comfort, and the good  
" of the Christian World ) and also his blessed Father, who is dead ; on  
" whom, to the grief of the Commons, and their great distaste, the Lord  
" Duke did ( they conceive ) unworthily cast some ill odor of his own  
" foul ways ; whereas Servants were antiently wont to bear, as in truth  
" they ought, their Master's faults, and not cast their own on them un-  
" deservedly. It is well known, the King ( who is with God ) had the  
" same power, and the same wisdom, before he knew this Duke, yea ,  
" and the same affections too ; through which ( as a good and gracious  
" Master ) he advanced and raised some Stars of your Lordships Firma-  
" ment ; in whose hands, this exorbitancy of will, this transcendency of  
" Power, such placing and displacing of Officers, such irregular running  
" into all by-courses of the Planets, such sole and single managing of the  
" great Affairs of State, was never heard of.

E " And therefore, onely to the Lord Duke, and his procurement , by  
" mis-informations, these faults complained of by the Commons , are to  
" be imputed.

F " And for our most gracious Sovereign that lives, whose name hath  
" been used, and may perhaps now be for the Duke's justification,  
" the Commons know well, that among his Majesty's most Royal Vir-  
" tues, his Piety unto his Father, hath made him a pious nourisher of his  
" Affections ever to the Lord Duke, on whom, out of that consid-  
" eration , his Majesty hath wrought a kind of wonder, making Fa-  
" vor Hereditary, but the abuse thereof must be the Lord Duke's own:  
" And if there have been any Commands, such as were, or may be pre-  
" tended, his mis-informations have procured them; whereas the  
" Laws

A. 1626.

" Laws of *England* teach us, That Kings cannot command ill or unlawful things, when ever they speak, though by their Letters Patents, or their Seals. If the things be evil, these Letters Patents are void, and whatsoever ill event succeeds, the execution of such Commands must ever answer for them.

" Thus, my Lords, in performance of my duty, my weakness hath been troublesome unto your Lordships; it is now high time, humbly to intreat your pardon, and give way to a learned Gentleman to begin a more particular Charge.

A

Then were read the First, Second, and Third Articles, *viz.*

The Commons Articles  
against the Duke.

His ingrossing  
many Offices.

Plurality of  
Offices.

His buying of  
Offices.

A:

I. **T**HAT whereas the Great Offices, expressed in the said Duke's Style and Title, heretofore have been the singular Preferments of several Persons, eminent in Wisdom and Trust, and fully able for the weighty Service, and greatest Employments of the State, whereby the said Offices were both carefully and sufficiently executed by several Persons, of such Wisdom, Trust, and Ability: And others also that were employed by the Royal Progenitors of our sovereign Lord the King in places of less dignity, were much encouraged with the hopes of advancement. And whereas divers of the said Places severally of themselves, and necessarily require the whole care, industry, and attendance of a most provident, and most able Person: He the said Duke, being young and unexperienced, hath, of late years, with exorbitant Ambition, and for his own profit and advantage, procured and ingrossed into his own hands the said several Offices, both to the danger of the State, the prejudice of that Service, which should have been performed in them, and to the great discouragement of others; who by this his procuring and ingrossing of the laid Offices are precluded from such hopes, as their Virtues, Abilities, and Publick Employments might otherwise have given them.

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II. Whereas, by the Laws and Statutes of this Kingdom of *England*, if any person whatsoever, give or pay any sum of Money, Fee, or Reward, directly, or indirectly, for any Office or Offices, which in any wise touch or concern the Administration or Execution of Justice, or the keeping of any of the King's Majesty's Towns, Castles, or Fortresses, being used, occupied, or appointed for places of strength and defence: the same person is immediately, upon the same Fee, Money, or Reward, given or paid, to be adjudged a disabled person in the Law, to all intents and purposes, to have, occupy, or enjoy the said Office or Offices, for the which he so giveth or payeth any sum of Money, Fee, or Reward. He the said Duke did, in or about the Month of January, in the Sixteenth year of the late King *James* of famous Memory, give and pay to the Right Honourable, *Charles*, then Earl of *Nottingham*, for the Office of Great Admiral of *England* and *Ireland*, and the Principality of *Wales*, and for the Office of General Governour of the Seas, and Ships of the said Kingdoms, and for the Surrender of the said Offices, then made to the said King by the said Earl of *Nottingham*, being then Great-Admiral of the said Kingdoms, and Principality of *Wales*, and General-Governour of the Seas and Ships, to the intent the said Duke might obtain the said Offices to his own use, the sum of Three thousand pounds of lawful money of *England*;

- England*; and did also about the same time procure, from the said King, a further reward, for the surrender of the said Office to the said Earl, of an Annuity of One thousand pounds by the year, for, and during the life of the said Earl; and by the procurement of the said Duke, the said late King, of famous memory, did, by his Letters Patents, dated the Seven and twentieth of *January*, in the said year of his Reign, under the Great Seal of *England*, grant to the said Earl the said Annuity; which he, the said Earl, accordingly had and enjoyed, during his life, and by reason of the said sum of Money, so as aforesaid paid by the said Duke. And of this the said Duke's procurement of the said Annuity, the said Earl of *Nottingham* did, in the same month, surrender unto the said late King, his said Offices, and his Patents of them; and thereupon, and by reason of the premisses, the said Offices were obtained by the Duke for his life, from the said King of famous memory, by Letters Patents made to the said Duke, of the same Offices, under the Great Seal of *England*, dated the Eight and twentieth day of *January*, in the said Sixteenth year of the said late King. And the said Offices of Great Admiral and Governour, as aforesaid, are Offices that highly touch and concern the Administration and Execution of Justice, within the provision of the said Laws, and Statutes of this Kingdom; which, notwithstanding, the said Duke hath unlawfully, ever since the first unlawful obtaining of the said Grant of the said Offices, retained them in his hands, and exercised them against the Laws and Statutes aforesaid.
- C III. The said Duke did likewise, in or about the beginning of the Moneth of *December*, in the Two and twentieth year of the said late King *James* of famous memory, give and pay to the Right Honourable, *Edward*, late Lord *Zouch*, Lord Warden of the Cinque-Ports, and of the Members thereof, and Constable of the Castle of *Dover*, for the said Offices, and for the surrender of the said Offices of Lord Warden of the Cinque-Ports, and Constable of the said Castle of *Dover*, to be made to the said late King of famous memory, the sum of One thousand pounds of lawful Money of *England*; and then also granted an Annuity of Five hundred pounds yearly to the said Lord *Zouch*, for the life of the said Lord *Zouch*; to the intent that he the said Duke, might thereby obtain the said Offices to his own use. And for, and by reason of the said sum of Money, so paid by the said Duke, and of the said Annuity so granted to the said *Edward* Lord *Zouch*, he the said Lord *Zouch* the Fourth day of *December*, in the year aforesaid, did surrender his said Office, and his Letters Patents of them to the said late King: And thereupon, and by reason of the premisses, he the said Duke obtained the said Offices for his life, of the said late King, by his Letters Patents under the Great Seal of *England*, dated the Sixth day of *December*, in the said Two and twentieth year. And the said Office of Lord Warden of the Cinque-Ports, and of the Members thereof, is an Office that doth highly touch and concern Administration and Execution of Justice; and the said Office of Constable of the Castle of *Dover*, is an Office that highly concerneth the keeping and defence of the Town and Port, and of the said Castle of *Dover*, which is, and hath been ever appointed, for a most eminent place of strength and defence of this Kingdom; which notwithstanding, the said Duke hath unlawfully, ever since this first unlawful obtaining of the said Office, retained them in his hands, and exercised them against the Laws and Statutes aforesaid.
- D His buying  
the Cinque-  
Ports of the  
Lord *Zouch*.
- E
- F

A.D. 1626.

The first Article charged by Mr. Herbert

These three Articles were discoursed upon by Mr. *Herbert*, and touching *Plurality of Offices*, he observed, That in that vast power of the Duke (a young experienced man) there is an unfortunate complication of danger and mischief to the State, as having too much ability, if he be false, to do harm, and ruine the Kingdom; and if he be faithful, and never so industrious, yet divided amongst so many great Places (whereof every one would employ the industry of an able and provident Man) there must needs be in him an insufficiency of performance, or rather an impossibility, especially considering his necessary attendance likewise upon his Court Places.

The Second and Third enlarged by him.

To the Second and Third, namely, *The buying the Office of Admiralty and Cinque-Ports*, (both which he comprised in one) he said, That to set a price upon the Walls and Gates of the Kingdom, is a Crime which requires rather a speedy remedy than an aggravation, and is against the express Law of 5 Edward 6. upon this foundation, *That the buying of such Places doth necessarily introduce corrupt and insufficient Officers*. And in the Parliament of 12 Edw. 4. it is declared by the whole Assembly, *That they who buy those Places* (these are the express words) *bind themselves to be Extortioners and Offenders*; as if they pretended it warrantable, or as if they did lay an Obligation upon themselves to sell again. And though the buying of such Places be not against any particular Law, enjoying a penalty for them (the breach whereof is a particular Offence) yet as far as they subvert the good, and welfare, and safety of the People, so far they are against the highest Law, and assume the nature of the highest Offences.

His neglect of guarding the Seas.

IV. Whereas the said Duke, by reason of his said Offices of Great Admiral of the Kingdoms of *England* and *Ireland*, and of the Principality of *Wales*, and of the Admiral of the Cinque-Ports, and General Governour of the Seas and Ships of the said Kingdoms, and by reason of the trust thereunto belonging, ought at all times, since the said Offices obtained, to have safely guarded, kept, and preserved the said Seas, and the Dominion of them: and ought also, whensoever they wanted either Men, Ships, Munition, or other Strength whatsoever that might conclude to the better safeguard of them, to have used, from time to time, his utmost endeavour for the supply of such wants to the Right Honourable, the Lords and others of the Privy Council, and by procuring such supply from his Sovereign, or otherwise: As the said Duke hath, ever since the dissolution of the two Treaties mentioned in the Act of Subsidies of the One and twentieth year of the late King James of famous memory (that is to say) the space of two years last past, neglected the just performance of his said Office and Duty, and broken the said Trust therewith committed unto him: and hath not, according to his said Offices, during the time aforesaid, safely kept the said Seas: insomuch that by reason of his neglect and default therein, not onely the Trade and Strength of this Kingdom of *England* have been, during the said time, much decayed, but the same Seas also have been, during the same time, ignominiously infested by Pirats and Enemies, to the loss both of very many Ships and Goods, and of many of the Subjects of our Sovereign Lord the King; and the Dominion of the said Seas (being the antient and undoubted Patrimony of the Kings of *England*) is thereby also in most eminent danger to be utterly lost.

V. Whereas

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2 Caro.

*His taking a  
Ship called St.  
Peter of New-  
haven.*

V. Whereas about Michaelmas last past, a Ship called the St. Peter of Newhaven, (whereof John Mallerow was Master) laden with divers Goods, Merchandise, Moneys, Jewels and Commodities, to the value of Forty thousand pounds or thereabouts, for the proper accompt of Monsieur de Villiers, the then Governor of Newhaven, and other Subjects of the French King, being in perfect Amity and League with our Sovereign Lord the King, was taken at Sea by some of the Ships of his Majesties late Fleet, set forth under the command of the said Duke, as well by direction from him the said Duke as great Admiral of England, as by the Authority of the extraordinary Commission which he then had for the command of the said Fleet, and was by them, together with her said goods and lading brought into the Port at Plymouth, as a Prize among many others, upon probabilities that the said Ship or Goods belonged to the Subjects of the King of Spain: And that divers parcels of the said Goods and lading were there taken out of the said Ship of St. Peter; (that is to say) sixteen Barrels of Cochineal, Eight Bags of Gold, Twenty three Bags of Silver, two Boxes of Pearl and Emeralds, a Chain of Gold, Jewels, Monies and Commodities to the value of Twenty thousand pounds or thereabouts, and by the said Duke were delivered into the private custody of one Gabriel Marsh, servant to the said Duke; and that the said Ship with the residue of her goods and lading was from thence sent up into the River of Thames, and there detained; whereupon there was an arrest at Newhaven in the Kingdom of France on the seventh day of December last, of two English Merchants Ships trading thither, as was alledged in certain Petitions exhibited by some English Merchants trading into France, to the Lords and others of his Majesties most honourable Privy-Council; after which (that is to say) on the 28 day of the said month, his Majesty was pleased to order, with the advice of his Privy-Concil, that the said Ship and Goods belonging to the Subjects of the French King, should be re-delivered to such as should re-claim them, and accordingly intimation was given unto his Majesties Advocate in the chief Court of Admiralty by the right honourable Sir Jo. Cook Knight, one of his Majesties principal Secretaries of State, for the freeing and discharging the said Ship and Goods in the said Court of Admiralty: And afterwads, that is to say, on the Six and Twentieth of January last, it was decreed in the said Court by the Judge thereof, with the consent of the said Advocate, That the said ship with whatfoever Goods so seized on or taken in her, (Except Three hundred Mexico Hides, Sixteen Sacks of Ginger, one Box of gilded Beads, Five Sacks of Ginger more mentioned in the said Decree) should be clearly released from further detention, and delivered to the Master; and thereupon under Seal a Commission was in that behalf duly sent out of the said Court to Sir Allen Appley, Sir John Worstenholme and others, for the due execution thereof: The said Duke, notwithstanding the said Order, Commission and Decree, detained still to his own use the said Gold, Silver, Pearls, Emeralds, Jewels, Monies and Commodities so taken out of the said Ship as aforesaid: And for his own singular avail and covetousness, on the sixth day of February last, having no Information of any new proof, without any legal proceeding, by colour of his said Office, unjustly caused the said Ship and Goods to be again arrested and detained, in publick violation and contempt of the Laws and Justice of this Land, to the great disturbance of Trade, and prejudice of the Merchants.

An. 1626.

The fourth Article enlarged by Mr. Selden.

These were enlarged by Mr. Selden, who said, That by nature of his Office the Duke as Admiral ought to have guarded the Seas: By his Patent he is made *Magnus Admirallus Anglie, Hibernie, & Wallie, Normanie, Aquitaniæ, Ville Calesii & Marchiarum ejusdem, & prefectus generalis Classum Marium dictorum regnum*. The seas of *England* and *Ireland* are committed to the Admiral, as a part of the Demesne and Possessions of the Crown of *England*; not as if he should thereby have Jurisdiction only, as in case of the Admirals in *France* or *Spain*. The State of *Genoa*, *Catalonia*, and other Maritime parts of *Spain*, the Sea-Town of *Almain*, *Zealand*, *Holland*, *Frieland*, *Denmark*, *Norway*, and divers other parts of the Empire, shew, That the Kings of *England*, by reason that their said Realm hath used, time out of mind, to be in peaceable possession, are Lords of the Seas of *England*, and of the Islands belonging to them. And although *Grotius* that *Hollander* wrote of purpose to destroy all Dominion in the East-Ocean; yet he speaks nothing against the Dominion of our English Seas, howsoever he hath been misapprehended; but expressly elsewhere saith, *Meta Britannicis littora sunt oris*; the utmost limits of the Demesne of the Crown of *England*, are the shores of the Neighbouring Countries; the whole Sea, or the *Territorium Maximum* that intervenes, being parcel of the possession of the Crown: the keeping and safe-guard of these committed to the Lord Admiral by the name of the *Prefectus Marium & Admirallus*, being but the same anciently: Before the use of the word Admiral came in, which was under *Edw. I.* the Admiral had the Titles of *Custodes Maris*.

And this *Praefectura* or *Custodia*, or office of safe-guarding the Seas, binds him to all care and perpetual observance of whatsoever conduceth to that safe-guard, as in *Custos Sigilli*, *Custos Marchiarum*, *Custos Portium*, & *Custos Comitatuum*, agreeable to the practice of former times.

1. In certifying yearly to the King, and his Council, the many Forces both of the Kings ships, and ships of Merchants, the names of the owners, the number of Mariners, &c. That the King and his Council may always know his force by sea.

2. In shewing wants of ships, &c. for the safe-guarding of the seas, with the Estimates of the supply, that so they might be procured. In personal attendance upon the service of guarding the seas upon all occasions of weight: In 7 H. 4. *Nicholas Blackborne*, and *Richard Cliderow* one of the Knights of *Kent* were made Admiral for keeping the seas, upon consideration had of it in Parliament, and the other Knight being *Robert Clifford*, it was agreed in Parliament that he should have the voices of both, because the other must of necessity be absent: And they both amongst other things petitioned the Council, that if the King in his Person should come on the sea, they might have such a liberty to wait upon him, as they might make their Lieutenant during the time for the service of their places. But the Council that allowed the rest, or most of their demands, answered to that, *Le Council ne pent faire*.

Then he estimated the nature of the offence, by the consequences which follow the not guarding of the seas, viz. 1. The losses already shewed. 2. The prevention of Trade, which gives life to the wealth of the Kingdom. 3. The weakning of the Naval strength, the Merchants being thereby discouraged from building ships, which they cannot use. In 1 Rich. 2. the Commons opened the two chief and almost whole Causes of the weakning the Kingdom at that time; the neglect of Chivalry and eminent virtue not regarded nor rewarded; the decay of Trade since the Navy was grown weak,

weak, besides all the loss of quiet possession of so large a Territory as the Seas of *England* and *Ireland*, by the free use of which, the ancient glory and greatness of the Crown of *England* hath so constantly subsisted.

A Then he instanced in *Michael de la Pool*, Lord Chancellor, who in 9 Rich. 2. mis-spent Subsidies given *pro salute custodia Maris*, as appears in the Roll, and was adjudged in Parliament (though for other offences, because some other Lords of the Council hath been trusted with him, and it was not fit to impeach him *sans les compagnons*) the taking it for a crime without question fit to be complained of.

B Secondly, in *William Duke of Suffolk*, who for the same fault, being Admiral onely in the right of *Henry Earl of Exeter* his Ward, was by the King extraordinarily commanded into banishment.

C Then he brought examples of such who had been put to death, and confiscated for not safe-guarding Towns, and Castles, and Forts, which are of like nature with not safe-guarding the Seas, and with losing the possession of the Crown.

To the Fifth he said, The staying of the Ship called the *Peter of Newhaven*, and detaining part of the Goods, was against the Marine Laws of *England*, against the Common Laws, against the Laws of Merchants, and consequently the Law of Nations.

D By the Marine Laws, agreeable to the Civil Laws, sentence given by any Subject or other against the King, may, upon new proof, be revoked, but not without new proof. He made, by his Patent, a Judge of all Maritime Causes, as well as Keeper of the Seas; his Jurisdiction was to be exercised *juxta leges nostras Civiles & Maritimas*, and accordingly to hear all Causes, and generally to proceed *ex officio mero mixto & promoto secundum leges nostras Civiles & Maritimas*.

#### Against the Common Laws.

E All Justices, and all other deputed to do Law or Right, are commanded by Act of Parliament to permit the course of ordinary Justice; and although they be commanded to do the contrary, that they do execution aright, and according to Justice as far as in them lies; and so for any Letters of commandment which may come unto them from us, or from any other, or by any other cause.

#### Against the Law of Nations.

F Against what is agreed by the Leagues between us and Foreign Nations, That the Subjects of Nations in Amity with us, shall be well used, and permitted, without molestation, for what cause or occasion soever, according to the Laws and Customs of the Places where they shall be.

Lastly, against the Laws of Merchants, which is to have *Celerem justitiam*.

#### The Consequences of this offence are,

1. Great damage to our English Merchants, that have suffered by reason of it in Foreign Parts, as they alledge. 2. It is a discouragement to those that are Subjects to the Marine Jurisdiction. 3. An example that may serve hereafter to justify all absolute Authority in the Admiral, without Law or Legal course, over the Ships and Goods of all Merchants whatsoever, and so no security to Merchants. Lastly, He instanceth in the Duke of *Suffolk*, who was adjudged in Parliament for Treason; and among other offences it was laid to his charge, that he took to his own use Goods Piratically taken, and expressly against the Order determined by the Lord Protector and the whole Council, whereunto his hand had been for the restitution of them.

Next we read the Sixth, Seventh, and Eighth Articles, *viz.*

The fifth Article enlarged  
by Mr. Selden.

VI. Whereas the honour, wealth, and strength of this Realm of England is much encreased by the Traffick, chiefly of such Merchants as employ and build great warlike Ships, a consideration that should move all Counsellors of State, especially the Lord Admiral, to cherish and maintain such Merchants.

The said Duke abusing the Lords of the Parliament, in the One and twentieth year of the late King James of famous memory, with pretence of serving the State, did oppress the *East-India* Merchants, and extorted from them Ten thousand pounds, in the subtil and unlawful manner following.

His delivering  
Ships into the  
hands of the  
King of France.

About *February*, in the year aforesaid, he the said Duke, hearing some good success that those Merchants had at *Ormus*, in the parts beyond the Seas, by his Agents cunningly, in or about the month aforesaid, in the year of the said late King, endeavoured to draw from them some great sum of money ; which their poverty, and no gain by that success at *Ormus*, made those Merchants absolutely to deny : Whereupon he the said Duke perceiving, that the said Merchants were then setting forth, in the course of their Trade, four Ships, and two Pinnaces, laden with Goods and Merchandise of very great value, like to lose their Voyage if they should not speedily depart. The said Duke, on the first of *March* then following, in the said year of the said late King, did move the Lords then assembled in the said Parliament, whether he should make stay of any Ships which were then in the Ports, (as being High Admiral he might) and namely, those Ships prepared for the *East-India* Voyage, which were of great burthen, and well furnished : which motion being approved by their Lordships, the Duke did stay those Ships accordingly : But the fifth of *March* following, when the Deputy of that Company, with other of those Merchants, did make suit to the said Duke for the release of those Ships and Pinnaces ; he the said Duke said, He had not been the occasion of their staying, but that having heard the motion with much earnestness in the Lords House of Parliament, he could do no less than give the Order they had done ; and therefore he willed them to set down the reasons of their suit, which he would acquaint the House withall ; yet in the mean time gave them leave to let their said Ships and Pinaces fall down as low as *Tilbury*. And the tenth of *March* following, an unusual joyned Action was by his procurement entred in the chief Court of Admiralty, in the name of the said late King, and of the Lord Admiral, against them, for fifteen thousand pounds, taken Piratically by some Captains of the said Merchants Ships, and pretended to be in the hands of the *East-India* Company ; and thereupon the King's Advocate, in the name of Advocate for the then King and the said Lord Admiral, moved and obtained one Attachment, which by the Serjeant of the said Court of Admiralty was served on the said Merchants in their Court, the sixteenth day of *March* following : Whereupon the said Merchants, though there was no cause for their molestation by the Lord Admiral, yet the next day they were urged in the said Court of Admiralty to bring in the Fifteen thousand pounds, or go to Prison. Wherefore immediately the Company of the said Merchants did again send the Deputy aforesaid, and some others, to make new suit unto the said Duke, for the release of the said Ships and Pinaces ; who unjustly endeavouring to extort money from the said Merchants, protested, that the Ships should not go, except they compounded with him ; and when they urged many more reasons for the release of the said Ships and Pinaces, the Answer of the said Duke was, That the then Parliament must first

first be moved. The said Merchants therefore being in this perplexity, and in their consultation, the three and twentieth of that month, even ready to give over that Trade, yet considering that they should lose more than was demanded by unlading their Ships, besides their Voyage, they resolved to give the said Duke Ten thousand pounds for his unjust demands. And he the said Duke, by the undue means aforesaid, and under colour of his Office, and upon false pretence of Rights, unjustly did exact and extort from the said Merchants the said Ten thousand pounds, and received the same about the 28 of *April* following the discharge of those Ships, which were not released by him, till they the said Merchants had yielded to give him the said Duke the said Ten thousand pounds for the laid Release, and for the false pretence of Rights made by the said Duke, as aforesaid.

VII. Whereas the Ships of our Sovereign Lord the King, and of his Kingdoms aforesaid, are the principal strength and defence of the said Kingdoms, and ought therefore to be always preserved, and safely kept, under the command, and for the service of our Sovereign Lord the King, no less than any the Fortresses and Castles of the said Kingdoms : And whereas no Subject of this Realm ought to be dispossessed of any his Goods or Chattels without order of Justice, or his own consent first duly had and obtained ; The said Duke being Great Admiral of *England*, Governour-General and Keeper of the said Ships and Seas, and therefore ought to have and take a special and continual care and diligence how to preserve the same ; the said Duke in or about the end of *July* last, in the first year of our Sovereign Lord the King, did, under the colour of the said Office of Great Admiral of *England*, and by indirect and subtil means and practices, procure one of the principal Ships of his Majesty's Navy Royal, called the *Vanguard*, then under the command of Captain *John Pennington*, and six other Merchants Ships of great burden and value, belonging to several persons inhabiting in *London*, the natural Subjects of his Majesty, to be conveyed over, with all their Ordnance, Munition, Tackle, and Apparel, into the parts of the Kingdom of *France*, to the end that being there, they might the more easily be put into the hands of the French King, his Ministers and Subjects, and taken into their possession, command and power : And accordingly the said Duke, by his Ministers and Agents, with Menaces, and other ill means and practices, did there, without order of Justice, and without the consent of the said Masters and Owners, unduly compel and enforce the said Masters and Owners of the said six Merchants Ships, to deliver the said Ships into the said possession, command and power of the said French King, his Ministers and Subjects ; and by reason of his compulsion, and under the pretext of his power as aforesaid, and by his indirect practices, as aforesaid, the said Ships aforesaid, as well the said Ship Royal of his Majesty, as the others belonging to the said Merchants, were there delivered into the hands and command of the said French King, his Ministers and Subjects, without either sufficient security or assurance for re-delivery, or other necessary caution in that behalf taken and provided, either by the said Duke himself, or otherwise by his direction, contrary to the duty of the said Offices of Great Admiral, Governour-General, and Keeper of the said Ships and Seas, and to the faith and trust in that behalf repos'd, and contrary to the duty which he oweth to our Sovereign Lord the King in his place of Privy-Counsellor, to the apparent weakening of the Naval strength of this Kingdom, to the great

Those Ships to  
be used to his  
knowledge  
against Rochel.

## Historical Collections.

great loss and prejudice of the said Merchants, and against the liberty of those Subjects of our Sovereign Lord the King, that are under the Jurisdiction of the Admiralty.

VIII. The said Duke, contrary to the purpose of our Sovereign Lord the King, and his Majesty's known zeal for the maintenance and advancement of the true Religion established in the Church of *England*, knowing that the said Ships were intended to be employed by the said French King against those of the same Religion at *Rochel*, and elsewhere, in the Kingdom of *France*, did procure the said Ship Royal, and compell, as aforesaid, the said six other Ships to be delivered unto the said French King, his Ministers and Subjects, as aforesaid, to the end the said Ships might be used and employed, by the said French King, in his intended War against those of the said Religion in the said Town of *Rochel*, and elsewhere within the Kingdom of *France*: And the said Ships were, and have been since so used and employed by the said French King, his Ministers and Subjects, against them. And this the said Duke did, as aforesaid, in great and most apparent prejudice of the said Religion, contrary to the purpose and intention of our Sovereign Lord the King, and against his duty in that behalf, being a sworn Counsellor to his Majesty, and to the great scandal and dishonour of this Nation. And notwithstanding the delivery of the said Ships by his procurement and compulsion, as aforesaid, to be employed as aforesaid, the said Duke, in cunning and cautelous manner to mask his ill intentions, did, at the Parliament held at *Oxford* in *August* last, before the Committee of both Houses of Parliament, intimate and declare, That the said Ships were not, nor should they be so used and employed against those of the said Religion, as aforesaid, in contempt of our Sovereign Lord the King, and in abuse of the said Houses of Parliament, and in violation of that Truth which every man should profess.

These three Articles were aggravated by Mr. Glanvile.

Mr. Glanvile,  
enlarge the  
sixth Article.

**M**Y Lords ( said he ) In this great business of Impeachment against the Duke of *Buckingham*, I am commanded by the Commons in Parliament to bear a part of some importance.

" The Articles allotted to my charge are three, the Sixth, Seventh, " and Eighth ; which I shall open with as much brevity and perspicuity " as I may : The substance of several Cases concerning the same ; The " Evidence to make them good, together with such Observations as na- " turally arise out of the matter ; whereby your Lordships may the better " discern wherein the Duke's faults do consist, and what punishment may " be answerable to such offences.

" The Sixth Article is a distinct Charge, different from the other " two ; wherefore I will handle it, with the Incidents thereof, by it self. " The Seventh and Eighth Articles being of one nature and subject, are " indeed several parts of one Charge, rather than several Charges, and " have such a connexion in themselves, that, with your Lordships leaves, " I will handle them both together without dividing them, which I hold " will be the shortest and fittest way to do right to the Cause, and to your " Lordships.

" The Sixth Article giveth me occasion ( my Lords ) thus to enlarge " my self. In a Treaty the 18 of *August* 1604. between our late Sovereign " King James of glorious memory, and Philip the Third King of Spain, " It

- "It was agreed, That there should be perfect Amity and Peace to endure  
"for ever by Land, Sea, and Fresh-waters, between these Kings, their  
"Heirs and Successors, their Dominions, Liege-men and Subjects, then  
"being, or which should be; And that either party should then after ab-  
"stain from all depredations, offences and spoils, by Sea, Land, and  
"Fresh-waters, in what Dominions or Government soever of the other,  
"and should cause restitution to be made of all depredations which then  
**A** "after should be committed, and the damages growing by means thereof;  
"And that the said Kings shall take care that their Subjects should from  
"thenceforth abstain from all force and wrong-doing, and that they like-  
"wise should revoke all Commissions and Letters-Patents of Reprisal or  
"Mart, or otherwise, containing Licence to take Prizes; All which are  
"declared by the said Treaty it self to be void, and that whosoever should  
"do any thing contrary should be punished not only criminally, according  
"to the merit of his offence, but should also be compelled to make resti-  
**B** "tution and satisfaction for the losses to the parties damnified, requiring  
"the same. Lastly, it was concluded, That between them and every of  
"their Subjects might be free Commerce in all the Dominions by Sea,  
"Land, and Fresh-waters, in which before the Wars there hath been  
"Commerce, and according to the use and observance of the ancient  
"Leagues and Treaties before the Wars, the Customs as they were at  
"that present rated according to the Ordinance of the Places being  
"paid.
- C** "This Treaty being settled and continuing, his late Majesty King  
"James by His Highness Letters-Patents bearing date the 14 of Sep-  
"tember, An. 13. of his Reign, did grant unto the Governors of the Mer-  
"chants of London trading into the *East-Indies*, and to their Successors,  
"in case they be justly provoked or driven thereunto, in defence of their  
"Persons, Goods or Ships, by any disturbance or hinderance in their quiet  
"course of Trade, or for recompence or recovery of the Persons, Ships  
"or Goods of any of his Majesties Subjects that had been formerly in,  
**D** "or near the *East-Indies*, or for any other just cause of their defence, or  
"recompence of losses sustained; That then the Captains or principal  
"Commanders of the said Company, or any other under their govern-  
"ment, should or might attempt, surprize, or take the Persons, Ships, and  
"Goods of any Prince or State, by whose Subjects they should sustain  
"any wrong or loss in manner as aforesaid, as by the said Letters-Patents  
"appeareth: Some years after the granting of these Letters-Patents, under  
"pretext that the said Treaty was broken, there was some interruption  
"and violence offered by the King of Spains Subjects in the Ports of *East-*  
"*India* to the Merchants of the *East-India* Company trading into those  
"parts, whereby they were much damnified; and thereupon suspecting  
"that it might be in vain to complain for redress in an ordinary course  
"of Justice in the *East-India*, or in default thereof to return into *Spain*  
"to make complaint to that purpose, where nothing was likely to be  
"done till they had sent from thence again into the *East-Indies*, and  
"received an Answer; And after all this, upon denial of Justice in *Spain*,  
**F** "to come into this Kingdom for Letters of Request, without which in  
"ordinary course they should not use Reprisal, and many years would  
"be spent before they could come to have an end of their suits; It is  
"true, that thereupon, partly in their defence, and partly for amends,  
"and partly for revenge, they did by pretext of the said Letters-Patents  
"take some Goods of the *Portugals* in the *East-Indies*, Subjects to the  
"King

An. 1626.

" King of Spain; and afterwards being commanded by the King of Persia to transport certain Forces of his in Ormus an Island situate in the Countrey of Persia, some goods of Portugals Subjects to the King of Spain were there taken by Captain Blith and Captain Wedel, and others of their Company, being Servants and in pay under the East-India Company.

" In July 1623. Two Ships called the Lyon and the Jonas, being part of a Fleet belonging to the said Company, returned from Ormus aforesaid out of an East-Indian Voyage, and arrived in the Downs richly laden with Goods and Merchandise lawfully belonging to the said Company, and estimated to the value of One hundred thousand pounds. The Duke of Buckingham, in or about October 1623. being advertised thereof, well knowing the Company to be rich, and apprehending in himself a probable ground how he might exact and extort some great sum of Money from the said Company out of the profit of these Ships and their lading, by colour of his Office of Lord Admiral of England, and out of his Power and greatness, his Office being used for a ground-work of his design therein, did thereupon pretend, that the lading of the said Ships was for the most part with Goods Pyratically taken at Sea in the parts about Ormus aforesaid, and that a Tenth part, or some other great share thereof, did belong to him in the right of his said Office of Lord great Admiral of England, and by virtue of his Letters-Patents and Grant from his late Majesty in that behalf; alreadg-  
ing withall, howsoever the said Company might peradventure an-  
swere the matter, yet there would and might be strong opposition  
against them. These words were used to possess them with fear, and to  
make them stand in awe of his power, when he should come afterwards  
particularly to press them to yield to his unjust demands. Having once  
resolved of his ends, which was to get Money, he thus proceeded to  
effect the same. In the Moneths of November, December, January and  
February then next following, he had divers times Treaties by himself  
and his Agents with the then Governor and others of the said Compa-  
ny, for the effecting of his said designs; wherein he still unlawfully  
pretended that a Tenth part, or some other great share out of the La-  
ding of the said Ships belonged unto him; albeit the said Company  
upon right information of their Cause to their Council, both Ci-  
vilians and Common-Lawyers, were advised that there did no  
Tenths or other such shares belong to the said Duke, as he pre-  
tended.

" And whereas the said Duke by this time finding that he could not prevail to get his ends by any fair course, continued yet resolute to make his gain upon the Company by right or wrong, as he might; and to that purpose made use of the following opportunities and ad-  
vantages; in such cunning and abusive manner as I shall further open  
to your Lordships. The said Duke well knowing that the said Company  
had then four Ships, called the Great James, the Jonas, the Star, and the  
Eagle, and two Pinaces called the Spy and the Scout, the said Ships and  
Pinaces, with their Victuals, Store and Ordnance, were of the value  
of Fifty Four thousand pounds and more, laden with Lead, Cloth,  
and other Merchandise in them to the value of Twenty thousand  
pounds and more, and having in them also about Thirty thousand  
pounds in Royals of Spanish Money; in all, One hundred thousand  
pounds and more.

" These

2 Caroli.

" These Ships and Pinnaces were well near ready to set Sail for a " Voyage into the *East-Indies* by the first day of *March*, in the One and " twentieth year of his said late Majesties Reign ; and he well-knowing " how great a hinderance it would be to the said Company, if the said " Ships and Pinnaces should be stayed for any long time, the rather in " regard if they did not set Sail about that time of the year, or within " Twenty days after, they had utterly lost their Voyage for that year ; " the reason whereof dependeth upon a secret of Winds, called the *Man-* " *sounds*, which are constantly six Months Easterly, and six Months " Westerly, every year at their set times, in those parts of *Africa*, about " the Cape of *Bona Speranza*; (for of those Winds, all Ships going " hence into the *East-Indies*, are to make their use, in the usual and due " time; which yet cannot be done, if men take not their opportunity " by coming to the Cape in their proper and due season, and in so long and " dangerous a voyage, wherein the Equinoctial Line is twice to be passed, " it is no good discretion to stay the utmost time in going from hence, in " confidence of fair Winds, but rather to take time enough before-hand, " for fear of the contrary : Nor can the Lord Admiral of *England*, who " is *Custos marium Domini Regis*, and hath jurisdiction of all Foreign parts, " *super altum mare*, be admitted to pretend himself ignorant of this Secret, " or of any other particulars belonging to the Seas and Voyages.) The " Duke therefore apprehending, and well weighing how great a hind- " rance, or rather what an absolute loss it would be to the Company, if " these their Ships and Pinnaces of so great value, and bound forth in so " instant and difficult a Voyage, should be stayed for any long time, now " they were ready to set Sail, and the season of going, upon point to ex- " pire : The said Duke upon the said first day of *March*, 1623, to effect " his designs upon the said Company, and to get that by circumvention " and surprisal, which in a legal and due course of justice he had not hopes " to obtain: Not thinking it sufficient, that the sense of his displeasure ly- " ing over the Company as an ominous Cloud threatening a storm, if they " did not appease him by some great sacrifice ; and to cast them yet fur- " ther into a farther strait, not sparing to abuse your Lordships in Par- " liament, by making you unwilling Instruments to give colour and ad- " vantage to his secret and unlawful practises. Upon the said first day of " *March*, he put your Lordships, sitting in Parliament, in mind, touch- " ing the great business likely to ensue upon dissolution of the then " Treaties with *Spain*, and that a speedy resolution thereof was neces- " sarily required, for that the Enemy would pretermitt no time; and if we " should lose the benfit of that Spring, he said it would be irrevo- " cable ; and thereupon he took occasion to move that House, whether " he should make stay of any shipping that were then in the Ports, (as be- " ing High Admiral he might) and namely, the said Ships prepared for " the *East-Indian Voyage*, which were of great burthen, well furnished, " and fit to guard our own Coasts : Which motion was generally ap- " proved of the whole House, knowing nothing of the Duke's secret de- " signs and private intentions. And the same day a motion was made " amongst the Commons in Parliament to the same effect, by Sir *Edward* " *Seymour*, Knight, the Vice-Admiral to the Duke of the County of " *Devon*; which in respect of the time when, and person by whom it was " propounded, is very suspicuous, that it issued all from one Spirit, " and that he was set on by the Duke, or some of his Agents; the truth " whereof, your Lordships may be pleased to search out and examine as

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An. 1626. " you shall see cause. By colour of this Order of the Lords House of Parliament, the Duke caused John Pexal Marshal of the Admiralty, to make stay to be made of the said Ships and Pinnaces ; howbeit notwithstanding all the occasion pretended for the defence of the Realm, there were not any other Ships staid at this time.

" The Company perceiving, by the course of things, from whence these evils moved, upon the Fifth of March, 1623. became earnest Suitors to the said Duke for a Releasement of their said Ships and Pinnaces ; whereunto the said Duke replied, That he had not been the cause of their stay : but having heard the motion in the Lords House, he could do no less than order as they had done : Yet to attain his ends, and put them in some hope of favour by his means ; he told them withal, That he had something in his Pocket might do them good, and willed them to set down what Reasons they would for their Suit, and he would acquaint the House therewith : Nevertheless about this time he presumed of himself at Theobalds, to give leave for the Ships and Pinnaces to fall down as far as Tilbury, there to attend such further directions as should be given unto them, with leave so to signify by word of mouth to the Sergeant of the Admiralty, for that the Duke had then no Secretary with him. Thus somewhile by threatening of strong oppositions and terrors, and otherwhile by intimating hopes of favour, and good assistance, the Duke sought to accomplish his purpose, yet prevailed not ; and so the Tenth of March, 1623. the King's Advocate Dr. Reeves, Advocate for the King and Lord-Admiral, made Allegation in the Admiralty on the Duke's behalf ; and by his procurings, that it appeared by Examinations there taken, that 15000 £. and more, Piratically taken by the said Captain Blith and Wedel, and their Complices, upon the Sea near Ormus, and in other parts within the Jurisdictions of the Admiralty, was come into the possessions of the Treasurers of the East-India Company, and remained in their hands, and prayed it might be attached ; and the said Treasurers be monished to appear the Wednesday then next following, and there to bring in the 15000 £. to remain in Deposit with the Register of that Court.

" The same Tenth of March, a Warrant issued forth accordingly, directed to the Marshal of the said Court ; and upon the same next Wednesday, the Seventeenth of March, the said Warrant was returned by the said Marshal, that the day before he had attached the said Moneys in the hands of Mr. Stone, then present in the Court, and had admonished him, and Mr. Abbot, the Deputy-Governour of that Company, and divers others then present, to bring the same into Court. Upon the same Wednesday also, it was prayed by the King's Advocate, That Mr. Stone, and all that had an interest in this Money, might be pronounced as in Contumacy, and therefore be arrested and detained until 15000 £. were brought into the Register. Hereupon Sentence of Contumacy was pronounced, but the payment thereof was respite until Friday following. Upon which Seventeenth of March, this Sentence being pronounced, Mr. Stone, Mr. Abdy, and others, Officers of the said Company, then present, informed how the Governour was lately dead, and buried but the day before ; and that upon Wednesday then next following, they had appointed a Court for Election of a new Governour, and until then they could resolve of nothing, and therefore desired further respite. The Advocate nothing relenting at this reasonable excuse, and desire of the Company, did again earnestly press

" them

"their Imprisonments, but the Judge took time to consider of it. The  
 "Company finding by these extraordinary and extreme courses, the  
 "drift of the Duke, whose greatness and power seemed unresistable, and  
 "his mind implacable, without satisfaction to his own content, and with-  
 "all observing what a freight they were cast into, by reason of the stay of  
 "their Ships; which, if it were much longer, they must needs lose their  
 "Voyage utterly for this year, and the very unloading of them would  
 "endamage them to the value of the sum extorted: And being told, that  
 "the Eye of the State was upon this business, and that it would light  
 "heavy upon them; and hearing the Duke protest, their Ships should  
 "not go, unless they compounded with him; and finding that he made  
 "difficulty of releasing their Ships, by saying, The Parliament must be  
 "moved, before they could be discharged, albeit the Wind were now  
 "fair for them. And making overture of some reasonable grounds of  
 "composition, by offering to grant Letters of Mart to the said Company  
 "for the future, against the Subjects of the King of Spain, while yet the  
 "Peace and Treaty between his late Majesty and the King of Spain, were  
 "not broken or dissolved.

"The said Company being intangled by the Dukes subtily, and  
 "overcome at last by the terror of his Power and Greatness, was drawn  
 "to make offer of Six thousand pounds to the said Duke, which was  
 "rejected as a base offer. And now the time pressing them on very hard,  
 "some consultations were had amongst them, Whether it were better  
 "for them to make use of a Clause in their Patent, allowing them Three  
 "years to draw home their Estates, and so to let their Company die,  
 "and be dissolved, or else to yield to the Dukes desire: Yet in conclu-  
 "sion, they were drawn in to offer him Ten thousand pounds for their  
 "Peace, if it could serve; which offer was made unto him accordingly, but  
 "at first he would not accept it; howbeit, about the Three and twentieth  
 "of March, 1623. they agreed to give him the said Ten thousand pounds,  
 "which he accepted; and forthwith moving the Lords of Parliament,  
 "or acquainting them therewith, he retracted their Ships, and gave  
 "them leave to depart on their Voyage; which they accordingly did,  
 "setting sail the Seven and twentieth day of the same moneth from the  
 "Downs. And afterwards upon the Fifth of April, 1624. the Duke sig-  
 "nified unto the Lords House of Parliament, That his Majesty, at the  
 "humble Petition of the East-India Company, had commanded him to  
 "discharge the East-India Ships, which he had once stayed, according  
 "to the order of this House, made the First day of March then last past;  
 "and moved, That the said Order might be countermanded: and there-  
 "upon it was ordered, That the Clerk of that House should cross the said  
 "Order of the First of March out of his Book, which was done accord-  
 "ingly; and afterwards the said Ten thousand pounds was paid unto the  
 "said Duke; which he received and accepted accordingly. And upon  
 "the Eight and twentieth day of April aforesaid, suffered a colourable  
 "Sentence in the Admiralty to be given against him for their discharge,  
 "in such sort, as by the same Sentence appeareth. And for a colour, he seal-  
 "ed and delivered unto the said Company, a Deed of Acquittance or Re-  
 "lease of the said Ten thousand pounds, and of all his pretended Rights  
 "against them, as by the Deed thereof also appeareth. And whereas it  
 "may be imagined by some misconceit, that out of this an aspersion may  
 "be laid upon his late Majesty, in regard the Duke was pleased to say in  
 "the Conference between both Houses, 18 March last, That the said King

An. 1626.

"had ten thousand pounds of the said Company, by occasion of this business. The House of Commons have been very careful in their proceedings in this, as in all other things they have, and ever shall be, "to do nothing which may reflect upon the Honor of their Kings: And "in this particular, by that which hath been here at first declared of the "manner and occasion of the said Goods and Moneys taken from the said "Portugals, and receiving the same as aforesaid, while the said Peace "was continuing, and the said Treaties indissolved; it appeareth, that "it had not been safe for the said Company to stand out a Suit concerning "that business, wherein they might have need of his Majesties Mercy and Pardon, but it was both safe and good for them to give Ten "thousand pounds; and it well stood with his late Majesties Honour, for "that sum to grant them a Pardon, which he did, to their great contentment and satisfaction; and yet we find, that this Ten thousand pounds "also was paid into the hands of Mr. Oliver, the Duke's Servant, but find "not any Record, by which it doth appear unto us, that ever it came unto his late Majesties use. And it is observable in this case, That the oppression fell upon the same Company shortly after the great affliction which happened unto some of them at *Amboyna* in the *East-Indies*, "by means of the Dutch which might have moved a Noble Mind, rather to pity than punish the Company, after such a Distress so lately suffered.

"Having now finished the Narrative part belonging to this Charge "I shall observe unto your Lordships upon the whole matter, the nature "of the Duke's offences by this Article complained of, and what punishment it may deserve. His default consisteth in the unjust extorting "and receiving the Ten thousand pounds from the *East-India Company* "against their wills, by colour of his Office. Yet, as offenders in this "kind have commonly some colour to disguise and mask their Corruptions, so had he: His colour was the release of his pretended right to "the Tenth part, or some other share of the Goods, supposed to be Piratically taken at Sea by the Captain, and the Servants, or the Company: And though his Lordship may perhaps call his Act therein, a lawful Composition, I must crave pardon of your Lordships to say thus, "That if his supposed Right had been good, this might peradventure "have been a fair Composition: The same pretence being unsound, and "falling away, it was a mere naked Bribe, and an unjust Extortion; for "if way should be given to take Money by colour of Releases of pretended rights, Men, great in power, and in Evil, would never want means "to extort upon the meaner sort at their pleasures, with Impunity. It "remains therefore, that I should prove unto your Lordships only two "things: First, That a pretence of right by the Duke, if he had none, will "not excuse him in this case; and in the next place, to shew by reason "and good warrant, That he had in Law no right at all to Release,

"For the former, I will rely upon the substance of two notable Presidents of Judgments in Parliament, the one ancient in the 10 Rich. 2. "at which time the Commons preferred divers Articles unto the Lords "in Parliament, against *Michael de la Pool*, Earl of *Suffolk*, Lord Chancellor of *England*, accusing him, amongst other things, by the first Article "of his Charge, That while he was Lord Chancellor, he had refused to "give Livery to the chief Master of *St. Anthony's*, of the profit pertaining "to that Order, till he had security from them, with Sureties by Recognition of Three thousand pounds, for the payment of One hundred "pounds

A " pound per annum to the Earl, and to John his Son, for their lives. The Earl, by way of Answer, set forth a pretended Title in his Son, to the chief Mastership of that Order, and that he took that One hundred pound per annum, as a Composition for his Sons right. The Commons replied, shewing amongst other things, That the taking of Money for that which should have been done freely, was a felling of the Law, and so prayed Judgment. In conclusion, the pretended right of his Son not being just or approved, the offence remained single by it self a sale of Law and Justice, as the Law termeth it, and not a Composition for the Release of his Interest. So the Earl for this, amongst the rest, was sentenced, and greatly punished, as by the Records appeareth.

B " The other President of like nature, is more Modern in the Case of the Earl of Middlesex, late Lord Treasurer of England, who was charg'd by the Commons in Parliament, and transmitted to your Lordships for taking of Five hundred pounds of the Farmers of the Great Customs, as a Bribe, for allowing of that Security for payment of their Rent to the late King's Majesty, which, without such reward of Five hundred pounds, he had formerly refused to allow of. The Earl pretended for himself. That he had not only that Five hundred pounds, but Five hundred pounds more, in all, One thousand pounds, of those Farmers, for a Release of his Claim, to Four, of two and thirty parts of that Farm: But, upon the proof, it appearing to your Lordships, that he had not any such part of that Farm as he pretended, it was in the thirteenth day of May, in the two and twentieth year of his late Majesties Reign, adjudged by your Lordships in Parliament ( which I think is yet fresh in your Memories ) That the Earl for this, amongst other things, should undergo many grievous Censures, as appeareth by the Records of your Lordships House, which I have lately seen and perused.

C " And now being to drove, that the said Duke had no Title to any part of the Goods by him claimed against the East-India Company, I shall easily make it manifest, if his Lordships pretence by his own Allegation in the Admiralty were true, That the Goods, whereof he claims his share, were Pyratically taken. From which Allegation, as he may not now recede, so it is clear by Reason and Authority, That of such Goods, no part or share whatsoever is due to the Lord Admiral, in right of his Office, or otherways.

D " For that the Parties from whom the same were taken, ought to have restitution, demanding it in due and reasonable time; and it were an injury to the intercourse and Law of Nations, if the contrary should be any way tolerated.

E " 2. By Law; so are the Statutes of this Kingdom, and more especially in 27 Edw. 3. 13. whereby it was provided, That if any Merchant, Privy or Stranger, be robbed of his Goods upon the Sea, and the same came afterwards into this Realm, the Owner shall be received to prove such Goods to be his, and upon proof thereof, shall have the same restored to him again.

F " Likewise 1, 2, 3 Edw. 6. 18. in the Act of Parliament, touching Sir Thomas Seymour, Great Admiral of England, who therein amongst divers other things, is charged with this, That he had taken to his own use Goods Pyratically taken against the Law, whereby he moved almost all Christian Princes to conceive a grudge and displeasure, and by open War to seek remedy by their own hands: And therefore for this, amongst other things, he was Attainted of High Treason, as appearth

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" appeareth by that A<sup>t</sup>, wherein the Law is so declared to be as before  
" is expressed.

" But if it should be admitted, that the Duke had right in this case,  
" for which he might compound ; yet the manner of his seeking to try  
" and recover his right, is, in it self, an high offence, and clearly un-  
" lawful in many respects, whereof I will touch but a few : As, in making  
" the most Honourable House of Parliament an Instrument to effect his  
" private ends for his profit: In proceeding to arrest and stay the Ships of  
" men not apt to fly, but well able to answer and satisfie any just Suits  
" which he might have against them, though their Ships had gone on in  
" their Voyage: In prosecuting things so unseasonably, and urging them  
" so extreamly by his Advocate, for bringing in of so great a sum of Mo-  
" ney upon the sudden, and formally under colour of Justice and Ser-  
" vice for the State: In reducing that Company into that strait and  
" necessity, that it was as good for them to compound, though the Duke  
" had no Title, as to defend their own just right against him upon these  
" disadvantages, which by his power and industry he had put upon  
" them.

Then he read the Seventh and Eighth Articles, which he handled  
joyntly, as being not two Charges, but two several parts of one and  
the same Charge; and when he had read them, he went on speaking  
further to their Lordships, as followeth.

" **V**Our Lordships may have observed, how in handling the former  
" Articles, I have in my discourse used the method of time, which  
" I hold to be best for the discovery of the truth : I shall therefore by  
" your Lordships patience, whereof now I have had some good experi-  
" ence, use the like order in my enlargement upon these latter Articles;  
" touching which, that which I have to say, is thus :

" In or about the Two and twentieth year of the Reign of our late  
" dear Sovereign Lord, King James, of famous memory, there being then  
" a Treaty between our said late Sovereign and the French King, for a  
" Marriage to be had between our then most Noble Prince (now our  
" most Gracious King) and the French King's Sister (now our Queen)  
" and for entring into an active War against the King of Spain, and his  
" Allies in Italy, and the Valtoline. Our said late Sovereign passed some  
" promise to the French King's Ambassador here, the Marquis D'Eflut,  
" for procuring, or lending some Ships to be employed by the French in  
" that Service, upon reasonable conditions ; but without thought or in-  
" tent that they should be employed against the Rochellers, or any others  
" of our Religion in France : For it was pretended by the French Kings  
" Ministers to our King, That the said Ships should be employed parti-  
" cularly against Genoa, and not otherwise. But afterwards some matter  
" of suspition breaking forth from those of our Religion in France, that  
" the Design for Italy was but the pretence to make a Body of an Army  
" fall upon the Rochellers, or other of our Religion in that Kingdom; the  
" King grew so cautious in his Conditions, that as he woulde perform his  
" promise to lend his Ships, so to preserve those of our Religion, he con-  
" tracted or gave directions, that the greatest part of the Men in the  
" same Ships should be English, whereby the power of them should be  
" ever in his hands.

" And

"And the Duke of Buckingham then, and yet, Lord Great Admiral of  
 "England, well knowing all this to be true, pretended he was and would  
 "be very careful, and proceed with Art, to keep the said Ships in the  
 "hands of our King, and upon our own Coasts; and yet nevertheless un-  
 "derhand he unduly intended, practised and endeavoured the contrary:

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A "For afterwards by his direction or procurement, in or about the two  
 "and twentieth year aforesaid, a Ship of his Majesties called the *Vanguard*,  
 "being of his Majesties Royal Navy, was allotted and appointed  
 "to be made ready for the Service of the French King, and seven other  
 "Merchants Ships of great burthen and strength, belonging to several  
 "persons, Natural Subjects, of our said late Sovereign Lord, were by the  
 "Duke's direction impressed as for the Service of his said late Majesty,  
 "and willed to make themselves ready accordingly. The Names and  
 "Tunnage of the said seven Merchants Ships were as followeth.

- B 1. "The Great *Neptune*, wherof Sir *Ferdinando Gorge* was Captain.
- 2. "The *Industry*, of the burden of Four hundred and fifty Tuns,  
 "wherof *James Moyer* was Captain.
- 3. "The *Pearl*, of which *Anthony Tench* was Captain.
- 4. "The *Marigold* of Three hundred Tuns, *Thomas Davies* Captain.
- 5. "The *Loyalty*, of Three hundred Tuns, *Jasper Dare* Captain.
- C 6. "The *Peter and John*, of Three hundred and fifty Tuns, *John Davies* Captain.
- 7. "The *Gift of God*, of Three hundred Tuns, *Henry Lewen* Captain.

D "Also about the same time a Contract was made by and between  
 "Sir *John Cook*, and other the Commissioners of his Majesties Navy, as  
 "in behalf of his Majesty for his said Ship the *Vanguard*, and on be-  
 "half of the Captains, Masters, and Owners of the said seven Merchants  
 "Ships, but without their privity or direction, for the service of the French  
 "King, upon conditions to be safe and reasonable for our King, this  
 "Realm and State; as also for the said Captains, Masters, and Owners  
 "of the said seven Merchants Ships, and for the Companies. For Sir  
 "John Cook drew the Instructions, for the direction of the said Contract;  
 "which Instructions passed and were allowed by the King, and such of  
 "the Council, as were made acquainted therewith, and used in this busi-  
 "ness. In which Instructions, as Sir *John Cook* hath since alledged in the  
 "House of Commons, there was care taken for Provision to be made,  
 "that the said Ship of his Majesty called the *Vanguard*, should not serve  
 "against the City or Inhabitants of *Rochel*, or those of the Religion in  
 "France; nor take into her more Men of the French, than she could from  
 "time to time be well able to Command and Master. But whether the  
 "Instructions for the Merchants Ships, and the King's said Ship, were all  
 "one, is not yet declared unto the Commons; howbeit, it appeareth not,  
 "but that the intent of our King and State was, to be alike careful for  
 "both. Nevertheless a form of Articles, dated the Five and twentieth  
 "day of March, in the Three and twentieth year of his said late Majes-  
 "ty's Reign, was prepared, ingrossed, and made ready to be seal-  
 "ed, without the knowledge of the Captains, Master, and Owners of  
 "the said Merchants Ships, between the said Marquis *D'Effiat*  
 "the Ambassador, on the one part, and the several Owners of the  
 "said Merchants Ships respectively, on the other; viz. A sev-  
 "eral Writing or Instrument for every of the said Ships respectively,  
 "whereby

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" whereby amongst other things, as by the same appeareth, it was covenanted and agreed by, and on the part and behalf of the Owners, to and with the said Marquis D'Effiat, to this effect, namely,

" 1. That their said Ships respectively, with a certain number of Men for every of them limited, with Ordnance, Munition, and other necessaries should be ready for the French King's Service, the Thirteenth of April then next following.

" 2. That they should go in that Service under a French General, to be as Captain in every of the said Merchants Ships respectively; of the appointment of the French King, or his Ambassador.

" 3. That they should serve the French King against any whomsoever, but the King of Great Britain.

" 4. That they should take in as many Soldiers into their said several Ships as they could stow or carry, besides their Viactual and Apparel.

" 5. That they should continue six Months, or longer, in the Service, so that the whole time did not exceed eighteen Months.

" 6. That they should permit the French to have the absolute Command of their Ships, for Fights and Voyages.

" And it was amongst the said Articles, besides other things, covenanted and agreed by the said Marquis D'Effiat; as, for and on the behalf of the French King, to this effect, namely.

" I. That there should be paid to every Owner a months freight in hand, after the rate agreed on; and freight for two Months more after the same rate, within Fifteen days after the date of the Articles; the computation of the Months, to begin from the 28th of March.

" II. And that the Ships should be ready in a certain form prescribed at the end of the Service.

" When all things were in a readines for circumvention and surprisal the Owners, Captains, and Masters of the said Ships, then, and not before, they were fuddainly pressed to seal the Counterparts of the prepared Articles; and they were about the same time released and discharged from the Impestit of his Majesties Service, and acquainted and designed to serve the French King, the said three Months Pay being offered, and afterwards paid unto them before-hand, as a Bait to draw on and intangle them in the busines. Nevertheless, the Captains and Owners of the said Merchants Ships doubted upon some points, (to wit) First, against whom they should be employed. Secondly, What Foreign Power they should be bound to take into their Ships. And Thirdly, What sufficient security they should have for that Freight, and re-delivery of their Ships.

" But there were private Instructions given to Captain John Pennington, Captain of the King's Ship the *Vanguard*; as for him and the whole Fleet, that he should observe the first Instructions, to wit, not to serve against those of the Religion, and to take into his Ship no more French-men then they could master. The pretence of *Genoa*, and these private Instruments for *Pennington*, were but a further Artifice of the Dukes to draw the Ships into *France*, and to conceal the breaking forth of the matter here in *England*: And the more to endear them, and confirm them in an opinion of right intention, they were commanded to conceal these private Instructions, as if the Duke and his Agents had " trusted

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"trusted them more then they did the Ambassadors: By these and other  
"like cunning and undue proceedings of the said Duke, the said Marquis  
"D'Effiat sealed one part, and the Owners of the said Merchants Ships  
"respectively sealed the other parts of the said pretended Articles, truit-  
"ing they should not be bound to the strict performance thereof, by rea-  
"son of the said private Instructions to the contrary. After the passing of  
"these Articles, the said ships being formerly ready, the said Duke May 8.

A "1625. made a Warrant under the Great Seal, to call the companies  
"aboard which had been raised and fitted for the said French service, ac-  
"cording to former Instructions, and with first opportunity to go to such  
"Port as the French Ambassador should direct, &c. there to expect Di-  
"rections of the Party that should be Admiral of the said Fleet, so pre-  
"pared, with a requiry of all Officers to be assitant hereunto.

B "All things being now in readiness, Captain Pennington being Ad-  
"miral of this whole Fleet, in May 1625. went with the Kings said ship  
"the *Vanguard*, and the seven Merchants ships aforesaid to *Diep in France*;  
"There instantly the Duke of *Momorancy*, Admiral of *France*, would  
"have put two hundred French Soldiers aboard the Ship called the  
"Industry, being no more men then she could stow, but a far greater pro-  
"portion of Men then her proper Company was able to command or ma-  
"ster; and offered also to do the like to every one of the said ships, tel-  
"ling the said Captain Pennington, and other the said English Captains,  
"and Owners, and their Companies in direct terms, that they were to  
"go, and should go to serve against the City and Inhabitants of *Rochel*,  
"and against those of our Religion: whereunto they all shewing them-  
"selves unwilling, there were Chains of Gold and other Rewards offer-  
"ed unto some of the Captains, Masters, and Owners, to induce them:  
"All which they utterly refused, protesting unanimously against the De-  
"sign, and would not take in above a fit number of men, such as they  
"might be able to command.

C "Also the Company of the Kings ship did there inform Captain  
"Pennington of this Overture made to go against *Rochel*, and exhibited a  
"Petition to him against the same, subscribing their names to the Petition  
"in a Circle or Compass, that it might not appear who was the beginner  
"of the same, and then they laid it under his Prayer-Book, where he  
"found and read it. Whereupon Captain Pennington and the rest con-  
"sulted more seriously of the matter, and by a general assent returned  
"all back to the *Downs*, where they arrived about the end of June, or be-  
"ginning of July 1625. From thence Captain Pennington sent a Letter to  
"the Duke of *Buckingham* by one *Ingram*, with the said Petition, and im-  
"ployed him to become a Suiter to get a discharge from serving against  
"*Rochel*: *Ingram* delivered the Letter to the Duke, and saw him read it  
"together with the said Petition: whereby, as by other former and la-  
"ter means, he had full notice of the Design, and intent of the French  
"to go against the Rochellers: *James Moyer* also about the same time came  
"to the Court, and had conference with my Lord *Conway* and Sir *John*  
"*Cook*, (now Secretary) acquainting them what had passed at *Diep*, pray-  
"ing them to acquaint the Duke, which they did, and the Duke delivered  
"the said Letter and Petition to Sir *John Cook*. The Duke of *Cheverenç*  
"and *Mounsieur de Villocleer* being now come into *England*, as Extraordi-  
"nary Ambassadors from the French King, they & the said Marquis d'E-  
"fiat, more especially *D'Effiat*, solicited and got a Letter from the Lord  
"*Conway* by the Dukes means, dated July 10. 1625. directed to Captain

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"*Pennington*, whereby he took upon him to express and signifie his Majesties pleasure to be, That his Majesty had left the command of the ships to the French King, and that now Captain *Pennington* should receive into them so many men as that King should please for the time contracted, and recommended his Letter to be as a sufficient Warrant in that behalf. All this while the King or body of the Council were never made acquainted with any other design than that of *Genoa*, nor heard any thing of the passages at *Diep*, nor of the design of *Rochel*, nor of our Masters and Companies Petitions, Informations or Complaints thereupon. This Letter of the Lord *Conways* was sent by *Parker* from *Hampton-Court* unto *Pennington*, being now about the *Downs*, and was not long after delivered into his hands. About this time Monsieur de la *Touche*, and others, as from the Duke de Rohan, and others of the Protestant party in France, sollicited our King and Council against the going of the ships, and had good words and hopes from both, but from the Duke the contrary, who told them, the King his Master was obliged, and so the ships must and should go.

"The ships remained still in the *Downs*, and afterwards, viz. about July 15. 1625. there was a Treaty at *Rochester* between the three Ambassadors Extraordinary of France, and James Moyer, and Anthony Touchin for themselves and other English Captains, and Masters of ships, &c.

"The said Moyer and Touchin being by Message commanded to attend the Duke of *Buckingham* at *Rochester*, for conclusion and settlement to be had of this busines, the said Ambassadors did there proffer and offer to the said Moyer and Touchin an Instrument in French purporting thus, viz.

1. "That the said English Captains and their Companies should consent and promise to serve the French King against all, none excepted but the King of Great Britain, in conformity of the Contract formerly passed between d' *Effiat* and them.

2. "That they should consent and agree, in consideration of the assurance given them by the Ambassadors, to the Articles of March 25. 1625. whereby the French King should be made Master of the said ships, by indifferent Inventory; that then they should by him be warranted against all hazards of Sea-fight, and if they miscarried, then the value thereof to be paid by the French King, who would also confirm this new Proposition within fifteen days after the ships should be delivered to his use by good caution in *London*.

3 "That if the French King would take any men out of the said ships, he might, but without any diminution of freight for or in respect thereof.

"The said James Moyer having gotten the French instrument interpreted, answered, 1. They would not go to serve against *Rochel*; 2. nor send their ships without good warrant for their going; and 3. not without sufficient security to their liking for payment of their freight, and riddition of their ships, or the value thereof; for the Ambassadors security was by them taken not to be sufficient, and they protested against it, and utterly refused this peraffeted Instrument: Here also Sir John Epsly and Sir Thomas Love dissuaded the Duke from this enterprise, telling him he could not justifie nor answer the delivery of the ships to the French.

"The Lord Duke being at *Rochester*, and there acquainted with all these

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"these proceedings, commanded the said *Moyer* and the rest before these  
 "Ambassadors, that they should obey the Lord *Conway's* Letter, and re-  
 "turn to *Diep* to serve the French, and that so was our King's pleasure ;  
 "Howbeit herein his Majesties pleasure appeared not, but the contrary :  
 "yet privately at the same time the Duke told them, that the security  
 "offered, or formerly given by the Ambassador, was insufficient, and that  
 "though they went to *Diep*, yet they might and should there keep their  
 "Ships in their own power, till they had made their own Conditions to  
 "their own liking. July 16. 1625. the Duke of *Chevereux*, and Mon-  
 "sieur *Villoceer*, finding that they could not accomplish their designs at  
 "*Rochester*, but they must be fain to defer the getting thereof till the  
 "coming of the Ships back again to *Diep*, where it was thought that bet-  
 "ter opportunity, and more advantage for their ends would be had, did,  
 "to that purpose, make and ordain the Marquis *D'Effiat* their Deputy to  
 "contract with the Captains and Masters of the English Ships for the  
 "French King's service, as effectually as themselves might do, thereby  
 "transferring their power in that behalf to the said *D'Effiat*, who intend-  
 "ed to go over to *Diep* forthwith about this business. The Duke of *Buck-  
 "ingham* having thus the second time dealt with the Captains and  
 "Masters to go to *Diep*, and arm'd and prepar'd *D'Effiat* how and in  
 "what manner there to circumvent them, sent over to *Diep* privately,  
 "and underhand, his Secretary, Mr. *Edward Nicholas*, together with  
 "*D'Effiat*. Mr. *Nicholas* at and before the going over, had instructions  
 "from the Duke by word, to see the execution of the King's pleasure  
 "signified by the Letter from my Lord *Conway*, and to procure the Cap-  
 "tains and Masters of the said Merchants Ships, to deliver over their  
 "Ships into the hands of the French, upon the security peraffettet at  
 "*Rochester*, by the three French Ambassadors, and by them delivered to  
 "the Duke of *Buckingham*, who committed the same to the said Mr. *Ni-  
 "cholas*, as the security, which in that behal'f he was to take and accept.  
 "Mr. *Nicholas*, according to those Instructions, went to *Diep* with  
 "*D'Effiat*, and was there very urgent to get the Ships delivered to the  
 "French, according to the said Instructions at their coming over to  
 "*Diep*: *D'Effiat* entred a Suit and Protested against our Captains and  
 "Masters, and their original Articles, the better to enforce them to per-  
 "form the same, without respect to the Dukes verbal pretences or alle-  
 "gations, made to the Captains and Masters at *Rochester*, and in other  
 "places formerly to the contrary.

"The Captains and Masters came over again to *Diep* about July 20.  
 "where they found themselves in a strait, by reason of the said Protest  
 "there entred against them, the Duke's instructions by word being too  
 "weak to exempt them from obtaining their Contract under their Hands  
 "and Seals; also Mr. *Nicholas* using the King's name with threatening  
 "words, was there very earnest from day to day, and very vehemently  
 "pressed them to deliver over their Ships, before security given to their  
 "cont. nt, contrary to the former Proposition, (*viz.* the Lord Duke's  
 "word to them at *Rochester*) which they refusing to yield unto, ad-  
 "vertisement thereof was speedily sent to the Duke of *Buckingham*, and  
 "to his Agents in *England*; and Mr. *Nicholas* continued still at *Diep*  
 "about his former Negotiation.

"July 27. 1625. Sir *Ferdinando Gorge*, Anth. *Touching*, James *Moyer*,  
 "Hen. *Lewen*, Tho. *Davies*, Jasp. *Dard*, and James *Davies*, as Owners & Ca-  
 "ptain; of the said seven English Ships hired for the French, did expres-

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"in writing, that they held it fit they should not quit their Ships, till they had made their own reasonable conditions, and were freed from the questions and troubles they were in; and in particular,

1. "They pray to be free of the said Protest, that they might the better treat of their affairs.

2. "If the French King would have delivery of their Ships into his power and possession, that then they might have security by Money deposited in *London*, without revocation for satisfaction of their Ships, the former security by Merchants being insufficient, and a stop already made of their Pay, which, upon that security, they know not how to come by.

3. "Because their Ships, being Fortresses of this Kingdom, and the delivery of them over into the hands of a Foreign Prince without good warrant, concerneth even their very lives, that they might have a warrant in that behalf under the great Seal of *England*, before they should be bound to deliver them over.

4. "To be free of their bonds entred into for not selling their Ordinance, and also free of punishment in that behalf; And they shewed how they were more cautious herein, for that Commissioners drew the first Articles, which were now wholly broken, and these Articles were to be done by themselves.

"And this writing they sent from their Ships by one Mr. *Basset Cole*, to present on shoar to the Marquis *d'Effiat* at *Diep*, appointed the said Mr. *Cole* to treat for a speedy conclusion according to these Articles; who treated accordingly: And the said Marquis to induce him to yield to his demands, shewed a Letter in French, signed by the Duke of *Buckingham*, whereby the Duke promised his endeavours to get the Marquis's turn served touching these Ships.

"The next day, *viz.* 28 July, 1625. Mr. *Nicholas* came aboard the *Neptune*, and declared in writing under his hand, how and why he was sent over by the Duke of *Buckingham*, as before, and craved the Captain and Master's Answer in writing under their hands, whether they would conform to the Lord *Conway*'s Letter, and to the Instrument peraffettet at *Rochester*, for the delivery over of the said Ships, yea or no, offering to procure them a sufficient discharge to their contentment, for their so doing.

"The same day also, Sir *Ferdinando Gorge*, and the rest, by writing, under their hands subscribed, did declare as followeth; namely,

*That they were willing to obey our King, but held not the security peraffettet at Rochester, by the three Ambassadors, to be sufficient (though honourable) and so they absolutely refused to deliver their Ships upon that security, desiring better caution in that behalf.*

1. *By Merchants of Paris.*
2. *To be transferred to London.*
3. *Irrevocable.*
4. *And such as might not be protected by Prerogative; and to have this under the Hands and Seals of both Kings.*

"All this while our King, or Body of the Council, knew nothing in certain of any other design of the French, than onely of their pretence against *Genoa*, and believed, that all the Articles and Instruments that had passed between the French and us, or the Captains, Masters, and Owners

A " Owners of the English Ships had been penn'd and contriv'd with full  
" and good cautions accordingly, for prevention of all dangers that  
" might grow to the contrary. Also the same 28 July, the Captains and  
" Masters taking notice of Mr. *Nicholas* pressing them to deliver their  
" Ships before security given to their content, contrary to former Pro-  
" positions, which they held unreasonable, did make answer unto the  
" Marquis in writing, That until they should have security to their con-  
" tentment, they would not quit the possession of their Ships unto the  
" French, (which was but reasonable) and they sent therewith a valua-  
" tion of their several Ships, as they would stand to. They likewise de-  
" manded a performance of all things, formerly sent to his Lordship from  
" them by Mr. *Nicholas* (save only for the security by mon<sup>v</sup>e deposited)  
" saying, That for all the rest they durst not proceed otherwise.

B " Lastly, They prayed for a speedy Answer, that the delay in this  
" busines may not seem to be in them.

C " But *D'Effiat* being confident of the Duke of *Buckingham's* Letters,  
" promises, and proceedings aforesaid, would not consent to these reason-  
" able demands of the Captains and Masters of the English Ships, pro-  
" tracting the time till he might hear further from the said Duke out of  
" England.

D " While these things were thus in handling both in *France* and in  
" *England*, there were written over out of *France* into *England* Letters of  
" advertisement, how, and upon what ground, or by what act or means  
" procured or occasioned, appeareth not; yet from one Mr. *Larking*, a  
" servant to the Earl of *Holland*, and a kind of Agent, a person some  
" way employed by our State, or under some of our Ambassadors or Mi-  
" nisters in *France*; That the Peace was concluded with t<sup>h</sup>o<sup>e</sup>le of our Re-  
" ligion in *France*; and that within fourteen days the War w<sup>o</sup>uld break  
" forth, or begin in *Italy*, with a design upon *Genoa*; a matter of great  
" importance for annoying the *Spaniard*.

E " This Letter of *Larking* came to the English Court at *Richmond*,  
" 28 July, when the Dutchess of *Chevereux's* Child was there Christened,  
" and the Contents thereof (as hath been alledged) were confirmed by  
" the Ambassadors of *Savoy* and *Venice*: By the advantage and colour  
" whereof, the Duke of *Buckingham* drew the King, who all this while  
" knew nothing of the design upon *Rochel*, or thole of our Religion, but  
" thought the former Articles had been safe and well penned, both for  
" him and his Subjects, (according to the most Religious and Politick in-  
" tention, and instructions in that behalf originally given by his late Fa-  
" ther) to write a Letter dated at *Richmond* the same 28 July, directed to  
" the said Captain *Pennington* to this effect, viz.

F " His Majesty did thereby charge and command the said Captain *Pen-*  
" *nnington*, without delay, to put his Highness former command in execu-  
" tion, for consigning the *Vanguard* into the hands of the Marquis *L'Effiat*  
" for the French, with all her Furniture, assuring her Officers, his Ma-  
" jesty would provide for their indemnity; and to require the seven  
" Merchants Ships, in his Majesty's name, to put themselves into the ser-  
" vice of the French King, according to the promise his Majesty had made  
" unto him; and in case of backwardness or refusal, commanding him  
" to use all forcible means to compel them, even to sinking; with a  
" charge not to fail, and this Letter to be his Warrant.

" This Letter was sent by Captain *Thomas Wilbraham* to Captain  
" *Pennington*, who was yet in the *Downs*. In the beginning of August, 1625.  
" Captain

An. 1626. "Captain Pennington went over again to *Diep*, carrying with him the said  
 "Letters of his Majestie, and certain Instructions in writing from the Duke  
 "of *Buckingham* to Mr. *Nicholas*, agreeable in substance to the former  
 "verbal Instructions given by the Duke to him at *Rochester*, as the said  
 "*Nicholas* alledgedeth: who also affirmeth, that in all things what he did  
 "touching that busines, he did nothing but what was warranted by the  
 "Duke's Instructions to him: which, if it be true, then the Duke of  
 "*Buckingham*, who commanded and employed him therein, must needs  
 "be guilty of the matters so acted by the said Mr. *Nicholas*. If there be  
 "any subsequent act or assent of Council, or of some Counsellors of  
 "State for the going of these Ships to the French, or for putting them  
 "into their power, it was obtained only for a colour, and was undu-  
 "ly gotten, by mis-informing the Contents of the sealed Articles, and  
 "concealing the Truth, or by some other undue means: Neither can  
 "any such latter act of Council in any sort justifie the Dukes proceed-  
 "ings, which, by the whole current of the matter, appears to have been  
 "indirect in the busines even from the beginning. About the time of  
 "Captain *Pennington*'s coming over to *Diep* the second time, Mr. *Nicho-*  
*lasis* did, in his speeches to the Captains and Masters of the seven Mer-  
 "chants Ships, threaten and tell them, That it was as much as their lives  
 "were worth, if they delivered not their Ships to the French, as he re-  
 "quired; which put them in such fear, as they could hardly sleep: And  
 "thereupon two of them were once resolved to have come again away  
 "with the Ships; and because the former threats had made them afraid  
 "to return into *England*, therefore to have brought and left their Ships  
 "in the *Downs*, and themselves, for safety of their lives, to have gone in-  
 "to *Holland*.

"Captain *Pennington* being the second time come into *Diep*, there  
 "forthwith delivered and put the said Ship the *Vanguard* into the abso-  
 "lute power and command of the said French King, his Subjects and Mi-  
 "nisters, to the said French Kings use, to be employed in his service at  
 "his pleasure; and acquainted the rest of the Fleet with the effect of His  
 "Majesty's Letter and Command, and demanded and required them  
 "also, to deliver and put their Ships into the power and command of the  
 "French King accordingly. The Captains, Masters, and Owners of the  
 "seven Merchants Ships refused so to do, as conceiving it was not the  
 "King's pleasure they should so do, without security for delivery of their  
 "Ships, or satisfaction for the same to their good contentment. Here-  
 "upon *Pennington* went on shoar at *Diep*, and there spake with *D'Effiat*  
 "the Ambassador, and shortly after returned aboard, and gave the Ca-  
 "ptains, Masters, and Owners an answer, resting upon the validity, and  
 "urging the performance of the former Contract made and perafferted  
 "in *England*.

"Then the said Masters and Captains prepared to be gone, and  
 "weighed Anchor accordingly. Whereupon Captain *Pennington* shot at  
 "them, and forced them to come again to Anchor, as yielding themselves  
 "for fear to his mercy and disposal. Upon this, Captain *Pennington* and  
 "the Frenchmen, that now commanded the *Vanguard*, came aboard the  
 "Merchants Ships, and there proposed unto them a new way for their se-  
 "curity touching their Ships, namely, to accept the security of the  
 "Town of *Diep*: Whereupon they all went ashore, except Sir Ferdi-  
 "nando Gorge, who, with his Ship, the *Great Neptune*, adventured to  
 "come away, as not liking these new and unreasonable Propositions.

"At

2 Carel.

A "At their coming ashore they spake with Mr. Nicolas, and there by his  
 "inforcement came to a new agreement to accept the security of the  
 "Town of Diep, upon certain hard Conditions; namely, The said Mar-  
 "quis d'Effiat as Extraordinary Ambassador in England, and as having  
 "power by deputation from the Duke of Chevereux and Villoeul, on or  
 "about August 15. 1625. did agree and promise to the said Moyer Tou-  
 "chin, Thomas Davies, Dard, John Davies, Lewen as Captains and owners  
 "of the said ships, called the *Industry*, the *Pearl*, the *Maryzola*, the *Loy-*  
*alty*, the *Peter and John*, and the *Gift of God*, then being in the Road  
 "of the Town of Diep, That the French King should give and furnish  
 "to the said owners (they being present, and accepting it in this Town)  
 "this sufficient security, That within fifteen days after the said French  
 "King should be in possession of the said Ships, he should give sufficient  
 "caution in London, for the sum of Two hundred and thirteen thou-  
 "sand Livers, whereat the said ships were estimated, with all that ap-  
 "pertaineth to them, as Cannons and other Munitions of War, viz. Fif-  
 "ty thousand pounds. And in or about the same 15. August 1625. the  
 "Commonalty of the said Town of Diep entred security, and bound  
 "the Goods of their Commonalty to the said English Captains and Own-  
 "ers, That the said French King and his Ambassadors should furnish the  
 "security within the City of London within the time, and for the sum  
 "aforesaid.

C "On or about August 16. 1625. the said Marquis d'Effiat, as well  
 "in his quality of being Ambassador, as by vertue of his said Deputati-  
 "on, did by publick Act promise unto the said Moyer, Touchin, &c. to  
 "give and furnish to them (they being present and requiring it in the  
 "Town of Diep) sufficient security in the City of London, within fifteen  
 "days after the French King should be in peaceable possession of the said  
 "ships, for the sum of two hundred and thirteen thousand Livers Tur-  
 "noys, whereat the said ships were valued, namely, for the said ship cal-  
 "led the *Industry*, and so a several sum for every ship, which security  
 "should remain for assurance to pay to every of them the prises of their  
 "ships, before specified in that Act, in case they should be left in the  
 "French Kings hands, with other particulars in the said Act mentioned,  
 "without derogating nevertheless from the Clauses of the said Contract  
 "March 25. 1625. Albeit, because the said Ambassadors had found it  
 "good to discharge the said English Mariners out of the said ships, that  
 "therefore the freight agreed upon by the said former Contract should  
 "not be wholly paid, but only for the space of the first six months;  
 "yet if the French King would use them for twelve months longer, or  
 "for any less time, that then he should pay freight for the same accord-  
 "ing to a new particular rate and manner expressed in the said Articles,  
 "and bound the goods of himself and the said Duke of Chevereux and  
 "Monsieur Villoeul for the performance hereof, as by the said Article it  
 "self, reference being thereto had, amongst other things more fully  
 "appeareth.

F "This Article being passed and recorded at Diep, all the said seven  
 "Merchants ships, except the Great Neptune, who was gone away in  
 "detestation of the Action intended by the French, were forthwith  
 "delivered into the absolute possession, power, and command of the  
 "French King, and of his said Ambassador d'Effiat, and other the  
 "Ministers and Subjects of the French King; to be employed by him  
 "in his service at his pleasure, and not one of all the English  
 Company

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" company, Man or Boy, (other then one only man, a Gunner as it should  
" seem) would stay in any of those ships, to serve against the Rochellers,  
" or those of our Religion.

" As soon as these ships were thus delivered into the possession and  
" power of the French, the said Ambassador then moved them, and dealt  
" earnestly with them for the sale of their Ships. Mr. *Nicholas* having  
" finished the work he went for, at his coming from *Diep* he received a  
" Diamond Ring worth Fifty pounds, and an Hatband set with sparks of  
" Diamonds, worth one hundred Marks, of the Ambassador, as a recom-  
" pence for his pains taken in this Employment, which (although Am-  
" bassadors do confer greater rewards sometimes at their parting upon  
" persons of Mr. *Nicholas* his quality, for less service done) yet was it  
" more then so ill an office as he was employed in, could in any sort de-  
" serve.

" The said Captain *Pennington* returned speedily into *England*, and  
" took his journey towards the City of *Oxford*, where the Parliament  
" was then sitting, by adjournment from *Westminster* thither, and there  
" several Propositions were taken into debate for the good of our Reli-  
" gion, and the supply of his Majesties occasions : For the well resoluing  
" and settling whereof, the true knowledge how, and upon what occasions  
" and terms the several ships were sent, delivered, employed, and to be im-  
" ployed, was very requisite. Afterwards nevertheless upon or about  
" August 6. 1625. at a meeting and conference between both the Houses  
" of Parliament in *Christ-Church-Hall*, after the reading there of his Ma-  
" jesties most gracious Answer to a Petition of the Lords and Commons  
" formerly exhibited unto his Majesty touching our Religion, and  
" much for the good thereof, the Duke of *Buckingham* well knowing  
" all the passages which I have now related to your Lordships to be  
" true, did not only cautelously conceal the same, but also much  
" boldly and untruly, by colour of a message delivered from his Ma-  
" jesty to both the Houses, affirm unto them touching those ships to this  
" effect ; That it was not always fit for Kings to give account of  
" their Counsels, and that about five of the six Months were already  
" past and yet the said ships were not employed against *Rochel*; wil-  
" ling and advising the said Lords and Commons to judge the things by  
" the event, to which he seemed to refer the matter. By which cun-  
" ning Speeches the Duke intended, and accordingly did make the  
" Lords and Commons then to believe that the said ships were ne-  
" ver meant, or any way in danger to be employed against the Ro-  
" chellers or those of our Religion in *France*; and herein he did  
" great injury and disservice to his Majesty, to the great scandal  
" and prejudice of our Religion and Affairs, and highly abused both  
" the Lords and Commons by this cautelous and subtle Speech and Insi-  
" nuation, and thereby gave both Houses occasion to forbear Petitioning  
" or suing to his Majesty for Redress in this busines, while the time was  
" not then passed; for his ships were not as then actually employed a-  
" gainst the Rochellers, albeit in truth they were then delivered into  
" the French Kings Power.

" And the same time before the Parliament was dissolved, Cap-  
" tain *Pennington*, who could have opened the whole truth of the bu-  
" siness for the service of the King and the Realm, came to Ox-  
" ford, but was there drawn to conceal himself by means of the

Duke

" Duke and not to publish in due time his knowledge of the Premisses, " as was there shortly after reported. The truth whereof, the Lords in " this Parliament may be pleased to examine, as they shall see cause ; " the Parliament at Oxford being shortly after, *viz. Aug. 12.* unhappily " dissolved.

*2 Caroli.*

A " In or about September 16. 25, the said Ships were actually employ- " ed against the Rochellers, and their Friends to their exceeding great " prejudice, and almost utter Ruine. It hath been said by some of the " French, that the *Vanguard*, she mowed them down like Grass ; to the " great dishonour of our Nation, and the scandal of our Religion, and " to the disadvantage of the great affairs of this Kingdom, and all Chri- " stendom.

B " Also the Ships themselves were in eminent peril to be utterly lost, " for lack of sufficient cautions. If they be come home since this Par- " liament sat down, long after the matter was here expounded and ta- " ken into examination ; it may be well presumed, that it is by some un- " derhand procuring of the Duke, and the secret complying of the " French with him, to colour out the matter ; which the Lords may ex- " amine as they see cause, The one and only *Englishman* that presumed " to stay in one of the Ships, and serve against the poor *Rochellers* of our " Religion, at his return, was slain in charging a Piece of Ordnance, not " by him well Sponged.

C " In February last, 1625. Monsieur *de la Touche* having Speech with " Mr. *Thimos Sherwell*, a Member of the Commons-House of Parlia- " ment, at *Salisbury*, as he was coming up to the Parliament, and Mon- " sieur *de la Touche* going down into *Somersetshire* to Mr. *John Paulets* " to Monsieur *Sobysa* ; He told Mr. *Sherwell* in the hearing also of " one Mr. *John Clements* of *Plymouth*, who is now in Town, the " words that the Duke had spoken to him the last Summer, touching " these Ships ; and thereupon used these words, *Ce Duque est un meschant* " *homme*.

D " Upon this whole Narration of the Fact touching the manner of " Delivery of the Ships to the *French*, divers things may be observed, " wherein the Duke's offences do consist : as, in betraying a Ship of " the King's Royal Navy unto a Foreign Prince's hand, without good " Warrant for the same ; the dispossessing the Subjects of this Realm of " their Ships and Goods by many Artifices and Subtilties, and, in con- " clusion, with high hand and open violence, against the good will of " the Owners ; In breaking the Duty of Lord Admiral and Guardian " of the Ships and Seas of this Kingdom ; in varying from the original " good Instructions, and presuming to give others of his own head in " matters of State ; In violating the duty of a sworn Privy- Coun- " sellor to His Majesty ; In abusing both Houses of Parliament " by a cautious Mis-information, under a colour of a Message " from his Majesty ; and in disadvantaging the Affairs of those of " our Religion in Foreign parts : Offences of an high and grievous " nature.

E " For the proof of some parts thereof, which are not the least, I of- " fer to your Lordships consideration the Statute of the 2 & 3 of E. 6. " touching the Duke of *Somerset* ; wherein is recited, That amongst " other things, he did not suffer the Piers, called the *Newhaven* and " *Blackfriars*, in the parts beyond the Seas, to be furnished with Victuals

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"and Money, whereby the French were encouraged to invade and win  
 "the same ; and for this offence, amongst others, it was Enacted, That  
 "a great part of his Land should be taken from him. And if Non-jeazance  
 "in a matter tending to lose a fixed Castle belonging to the King, be an  
 "high offence ; then the actual putting of a Ship-Royal of the Kings, in-  
 "to the hand of a Foreign Prince, which is a moveable and more useful  
 "Castle and Fortress of the Realm, must needs be held a greater Of-  
 "fence.

A  
 "I will forbear to cite any more Presidents of this kind, because  
 "some of those who have gone before me, have touched at divers Presi-  
 "dents of this nature, which may be applied to this my part. Only,  
 "because the abuse of the Parliament, which is the chiefest Council of  
 "State and Court of Judicature in the Realm, is not the least offence in  
 "this business, I shall desire your Lordships to take it into consideration  
 "the Statute of *Westm. 1 cap. 30.* whereby such as seem to beguile Courts  
 "of Justice, are to be sore judged in the same Courts, and punished, as by  
 "that Statute appeareth.

B  
 So he concluded, and left the Duke to their Lordships equal  
 Justice.

The Ninth and Tenth Articles were read next.

C  
 IX. Whereas the Titles of Honour of this Kingdom of *England* were  
 wont to be conferred as great Rewards, upon such virtuous and indu-  
 strious Persons as had merited them by their faithful services ; the said  
 Duke, by his importunate and subtle procurement, had not only pervert-  
 ed that ancient and most honourable way, but also unduly, for his own  
 particular gain, he hath enforced some that were rich ( though unwilling )  
 to purchase Honour : as, the Lord R. Baron of *T.* who by practise  
 of the said Duke and his Agents, was drawn up to *London*, in or about  
 October, in the Two and twentieth year of the Reign of the late King  
*James* of famous memory, and there so threatened and dealt withal,  
 that by reason thereof he yielded to give, and accordingly did pay the  
 sum of Ten thousand pounds to the said Duke, and to his use : For which  
 said sum, the said Duke, in the moneth of *January*, in the Two and  
 twentieth year of the said late King, procured the Title of *Baron R.*  
 of *T.* to the said Lord R. In which practise, as the said Lord R. was  
 much wronged in this particular, so the example thereof tendeth to  
 the prejudice of the Gentry, and dishonour of the Nobility of this King-  
 dom.

D  
 X. Whereas no Places of Judicature in the Courts of Justice of our  
 Sovereign Lord the King, nor other like Preferments given by the  
 Kings of this Realm, ought to be procured by any Subject whatsoever  
 for any Reward, Bribe, or Gift ; he the said Duke, in or about the  
 moneth of *December*, in the Eighteenth year of the Reign of the late  
*King James* of famous memory, did procure of the said King the Office  
 of *High Treasurer of England* to the Lord *Vicount M.* now Earl of *M.*  
 Which Office, at his procurement, was given and granted accordingly  
 to the Lord *Vicount M.* And as a reward for the said procurement  
 of the same Grant, he the said Duke did then receive to his own use  
 of, and from the said Lord *Vicount M.* the sum of 20000 *l.* of law-  
 ful Money of *England*. And also in or about the Moneth of *January*,  
 in

A in the Sixteenth year of the Reign of the said late King, did procure of the said late King of famous memory, the Office of Master of the Wards and Liveries, to and for Sir L. C. afterward Earl of M. which Office was, upon the same procurement, given and granted to the said Sir L.C. And as a reward for the same procurement, he, the said Duke, had, to his own use, or to the use of some other person by him appointed, of the said Sir L.C. the sum of Six thousand pounds of lawful Money of England, contrary to the Dignity of our Sovereign Lord the King, and against the Duty that should have been performed by the said Duke unto him.

These, as also the Eleventh Article, were enlarged and aggravated by Mr. Pym, in this manner.

### My Lords,

B " Although I know that I shall speak to my own disadvantage, yet I shall labour to speak with as little disadvantage to the matter as I can. I have no Learning or Ornament whereby I might shew my self, and I shall think it enough plainly to shew the matter: For all that I aim at, is, that I may lose nothing of the Cause. And therefore, my Lords, I shall apply my self with as much convenient brevity, as one that knows that your Lordships time is much more precious than my words: Your Lordships being such Judges, as will measure things by true and natural proportions, and not by the proportion of the action or expression.

" The first entrance into my service, must be reading the Articles.

Mr. Pym enlargeth the Eleventh Article.

C " My Lords, this Charge for matter of fact, is so notorious and apparent, that it needs no proof, that these Honours have been procured: And therefore I will only insist upon the Consequence. First, I will shew, that by this Fact the Duke hath committed a great offence: And Secondly, That this offence hath produced a great Grievance to the Commonwealth. And I will conclude, in strengthening the whole by some Presidents of former times, that Parliaments have proceeded in that course, in which your Lordships are like to proceed.

D " First, to prove it a fault or an offence, I must prove that there was a duty; for every fault presupposeth a duty: And in this case the first work is to shew, that the Duke was bound to do otherwise: For which I need to alleadge nothing else, than that he is a sworn Servant and Counsellor to the King, and so ought to have preferred his Majesty's Honour and Service before his own pride, in seeking to Ennoble all that Bloud that concerned him. And it is not enough to say, that it is not questionable; for there have been great Men questioned in the like cases. There be some Laws made that are particular, according to the temper and occasions of several States: There are other Laws that be coessential and collateral with Government; and if those Laws be broken, all things run to disorder and confusion. Such is that Rule observed in all States, of suppressing Vice to encourage Virtue, by apt Punishment and Rewards: And this is the fittest Law to insist upon in a Court of Parliament, when the proceedings are not limited either by the Civil or Common Laws, but Matters are adjudged according as they stand in opposition or conformity with that which is *Suprema Lex, salus Populi.*

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“ 2. By this late Law, whoever moves the King to bestow Honour, which is the greatest reward, binds himself to make good a double proportion of Merit in that party who is to receive it ; The first, of value and excellence ; the second of continuance and durableness. And as this Honour sets men up above others, so they should be eminent in Virtue beyond others : As it is perpetual, not ending with their persons, but descending upon their posterity ; so there ought to be in the first root of this Honour some such active merit in the service of the Common-wealth, as might transmit a vigorous Example to his Successors, whereby they may be raised to an imitation of the like Virtues.

A “ He said, he would forbear to urge this point further, out of a modest respect to those persons whom it did collaterally concern, professing “ his Charge to be wholly against the Duke of Buckingham.

B “ 3. From the consideration of Honour, together with the price of Money ; the which being compared together, may be reduced to two heads ( may it please your Lordships ; ) the one being earthly and base, may be bought with a proportionable price of White and Red Earth, Gold and Silver : The other, which is Spiritual ( which is Substance ) to which, Money cannot be a proportionable price. Honour is transcendent, in regard it was held a Sacred and Divine thing ; insomuch that there was a Temple dedicated to her by the *Romans* : And so I conclude by prescription, that Honour is a Divine thing ; for the Scripture calls Kings, Gods ; and then those that are about Kings must needs be resembled to those Powers and Principalities that attend next to the Throne : And if Honour be such a Divine thing, it must not be bought with so base a price as Money.

C “ 4. Lastly, Honour is a Publick thing, it is the reward of Publick deserts.

D “ And thus your Lordships have seen, that the sale of Honour is an offence unnatural against the Law of nature. Now what an offence this is, your Lordships may discern, considering the kinds of the offence, and the Adjuncts which I now fall upon.

E “ 1. It extreamly deflowers the Flowers of the Crown ; for it makes them cheap to all beholders.

“ 2. It takes from the Crown the most fair and frugal reward of serving Servants : for when Honour comes to be at so mean a rate as to be sold, there is no great man will look after it.

“ 3. It is the way to make a man more studious for lucre and gain, than of sufficiency of Virtue ; when they know that they shall be preferred to Titles of Honour according to the heaviness of Purse, and not for the weightiness of their merit.

“ 4. It introduceth a strange confusion, mingling the meaner with the more pure and refined metal.

“ 5. Lastly, It’s a prodigious scandal to this Nation, ( as the House of Commons think. )

F “ For Examples and Presidents, I am confident there are none ; and your Lordships can look for none, because it is not parallell’d to any President. But certainly it is now a fit time to make a President of this Man, this great Duke, that hath been lately raised to this transcendent height in our Sphere ; who thinketh he cannot shine enough,

“ unless

"unless he dim your Lordships Honours, in making the same contemptible through the sale of it, by the commonness of it.

A "Yet I am commanded further to observe another step of unworthiness in this Gentleman, who hath not only set Honour to sale by his Agents, but compelled men likewise, unwilling to take Titles of Honour upon them. For the particular, that Noble Gentleman that this concerns, I am commanded to say of him from the House of Commons, That they conceive of him, that he was worthy of this Honour, if he had not come to it this way; They can lay no blame upon him, that was constrained to make this bargain to redeem his trouble. But we must distinguish of this, as Divines do betwixt the *Active* and the *Passive* Usurers; they condemn the *Active*, speaking favourably of the *Passive*.

B "And I must here observe to your Lordships, by the Direction of the House of Commons, That it seems strange to them, that this Great man, whom they have taken notice of to be the Principal Patron and Supporter of the Semi-pelagian and a Popish Faction, set on foot to the danger of this Church and State, whose Tenets are *Liberty of Free-will*, though somewhat mollified; That a man, embracing these Tenets, should not admit of Liberty in Moral things: And that he should compel one to take Honour and Grace from a King whether he will or no; what is that, but to add Inhumanity and Oppression, to Injury and Incivility.

C "But here I must answer a President or two, which may be by mis-understanding enforced against me. 5 H. 5. There was *Martin* and *Babington*, and others, which were chosen to be Sergeants, and they did decline from it out of their Modesty, and doubted that their Estates were not answerable to their Place: Yet upon the charge of the War-den of *England*, they accepted it, and appeared to their Writs. Likewise there is a Writ in the Register, that many, by reason of the Tenure of their Lands, may be compelled to be made Knights. But this makes rather against, than for this Faction: For it is true, that this is the wisdom and policy of the Common-Law, that those that be thought fit men for Employment, may be drawn forth to be employed for the good of the Common-wealth, where otherwise they would not take it upon them: But that any man, for his gain, should force a man to take Degrees of Honour upon him; certainly this is beyond all Presidents, and a thing not to be exampled, either in our Nation, or any other.

E "And further, I am commanded to tell your Lordships, That it is dangerous, that if a great Lord, by his Power or Strength, may compel a Subject to take such Honours, why may he not compel them as well to take his Lands at what price he will, and to sell them again as he thinks fit; yea, to marry his Children as it pleaseth him? The consequence of this is great, if that it be well considered; and they conceive that it is of so great a consequence, that if it be not stopped, it may come in time to make way for a dangerous subversion, and demonstrates a great Tyranny of a Subject, under a most wise, most Gracious, and most moderate King.

F "And thus ( my Lords ) I have done with the first Article allotted to my Charge, and so I proceed to the next.

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The Tenth  
Article en-  
larged.

"My Lords, Before I enter into the enforcement of this Article, I shall, "by way of Protestation from the House of Commons, do in this, as I did "in the other Article. And first, for the King's Majesty, under whom we "are now happily governed and placed, I must, by their direction, say, for "his Honour and our comfort, and, with humble acknowledgment con- "fess, that since his coming to the Crown, there have been men of as "great Parts and Learning advanced into Places in Church and Com- "mon-wealth, as any have been heretofore. And then for the first of those "Lords, whose names are mentioned in this Article, I must say, that they "do not intend to reflect at all upon him; nay, they think his person so "worthy, as to be advanced to as high a Place, without any price at all, "and that he ought to have kept it longer, if those that shuffled in those "times, had not shuffled him out.

"Now to the matter of this Article, which is the Sale of Places of "Judicature, being an offence: And to prove this, is all one as to make "the Glass clear by painting of it. The grounds whereon I shall go, shall "be laid open; *Magna Charta, Chap. 29.* The words are these; *Nulli ven- demus, nulli negabimus Justitiam.* It may be said, this comes not close "to my purpose; yet, by your Lordships favour, I shall make it good, that "it doth, and I shall begin with the latter of the two first, *Nulli nega- bimus;* For if any that hath power or favour with the King, should pro- "cure him to delay the making of Judges, when there were Judges to "take it, it will not be denied, that they do their best endeavour to make "the King break his word; for if any use their favour about the King to "procure Places of Judicature for Money; they do what in them lies to "make Justice saleable; for it is plain, that he that buys must sell, and "cannot be blamed if he do sell.

"I shall open the evil consequences that depend upon the sale of the "Places of Judicature, or any Places of great Trust.

"1. By this means, unable men shall be sure of the Precedence unto "Places; for they being conscious of their own want of Merits, they "must be made up by the weight of Gold.

"2. It must needs hence follow, that Suits, Contentions, Brawls, and "Quarrels shall be increased in the Common-wealth. For when men come "to seats of Judicature by purchase, they must, by increase of Suits, in- "crease their own profit.

"3. Men will not study for sufficiency of Learning to be able to "discharge their Places, but how they may scrape together Money to "purchase Places.

"4. It will follow, That those that have the best Purses, though worst "Causes, will carry away the Victory always.

"5. It will follow, That when they be preferred for Money to those "Places, they are tied to make the best of those Places, *vix & modis:* "And then the Great Man that sold those Places to them, must uphold "them in their Bribery; and he is tied to it, because they are his Crea- "tures; nay further, he is tied to support them in their Bribery, to ad- "vance their Places upon the next remove.

"6. And lastly, when good men, and well-deserving, come to any "Place, they shall not continue there, but they shall be quarrelled at, so "that there may be a vacancy in that Place, and then some other shall "suddenly step into the Saddle, by giving a competent price.

"Upon these and the like reasons, this fact of selling and buying "Places and Offices of Trust, hath not only been declaimed against by "Christians,

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“ Christians, but alio by Moral Pagans, Aristotle in his 5 lib. of Ethics cap. 8. gives it as a Caveat, That no man amongst the Thibans was to take upon him any place of Government in the Common-wealth, if that he were a Merchant, unless there were ten years distance between. And the Reason is this, because Merchants are used to buying and selling, it is their Trade and Art to get Money, so that their fingers are accustomed to that which they cannot leave, when they come to Places of Trust and Judicature. Nay further, in honour of the Merchants, He is accounted the wifest Merchant that gains most; so that if such comes to Offices and Places of Trust, he thinks it best to advance his profit.

“ Next to the Pagans, the Popes, a Ceneration full of Corruption, yet they, by their Bulls, are full of Declamation against such. And this is plain by a Bull of Pius Quintus, who lays the penalty of Confiscation of Goods of any that do for Money acquire any Offices, and condemns them by his Papal Sentence to be great sinners. So Gregory the Thirteenth condemns the like.

“ And now to come nearer home, to come to that which will principally lead your Lordships, which are the Judgments of your Ancestors in Parliament; wherein it appears by the Statute of 5 H. 6. that the same Statute condemns the Seller and Receiver, as well as the Buyer and Giver. It further appears by the Preamble of that Statute, that such o'fences were against the Law, and they foresaw the Corruptions of those that came into those Places by those means, and that it is hindrance of sufficient and worthy men from those Places. And also 2 & 3 E. 6. which was likewise cited in the Case of the Duke of Somerset, by which he was to forfeit his Estate, that one thing was for selling of Places in the Common-wealth for Money. And certainly with your Lordships favour, it is most just and Probable, that they that profess themselves to be Patriots, and shew by their actions, that they aim at their own lucre, and labour to hinder the distributing of Justice; it is most just and proper, that those Men should return back again to the Publick Treasury of the King and Kingdom, what they have by their unsatisfied lucre gotten.

“ And so, my Lords, craving pardon of you for my boldnes, confusion, and distractions, in going through this busines, I humbly leave my self to the Judgments of your Favours and Charities, and this Great Man the Duke to your wise Censure and Justice.

Then was read the Eleventh and Twelfth Articles.

“ XI. That he the said Duke hath, within these ten years last past, procured divers Titles of Honour to his Mother, Brothers, Kindred, and Allies; as, the Title of Countess of Buckingham to his Mother, while she was Sir Thomas Compton's Wife; the Titles of Earl of A. to his younger Brother Christopher Villiers; the Titles of Baron of M. P. Vicount F. and Earl of D. to his Sister's Husband, Sir W. F. the Titles of Baron of S. and Vicount P. to Sir John Villiers, elder Brother unto the said Duke; and divers more of the like kind to his Kindred and Allies: whereby the Noble Barons of England, so well deserving in themselves, and in their Ancestors, have been much prejudiced, and the Crown disabled to reward extraordinary Virtues in future times with Honour; while the small estates of those for whom such unnecessary advancement hath been

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An. 1626.

His imbe-  
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Kings Money  
and Lands.

procured, are apparently likely to be more and more burthensome unto the King, notwithstanding such Annuities, Pensions, and Grants of Lands annexed to the Crown, of great value, which the said Duke hath procur'd for those his Kindred, to support these their Dignities.

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XII. He the said Duke not contented with the great Advancement formerly received from the late King, of famous memory, by his procurement and practise, in the Fourteenth year of the said King, for the support of the many Places, Honors, and Dignities conferred on him, did obtain a Grant of divers Mannors, parcel of the Revenue of the Crown, and of the Dutchy of *Lancaster*, to the yearly value of One thousand six hundred ninety seven pounds two shillings half-penny farthing, of the old Rent, with all Wood, Timber, Trees, and Advowson; part whereof amounting to the sum of Seven hundred forty seven pounds thirteen shillings four pence, was rated at Two and thirty thousand pounds, but in truth of a far greater value. And likewise in the Sixteenth year of the same Kings Reign, did procure divers other Manors annexed to the Crown of the yearly value, at the old Rent, of Twelve hundred pounds, or thereabouts, according as in a Schedule hereunto annexed appeareth: In the Warrant for passing of which Lands, he, by his great favour, procured divers unusual Clauses to be inserted, (*viz.*) That no Perquisites of Courts should be valued, and that all Bayliffs Fees should be reprise in the particulars upon which those Lands were rated; whereby a president hath been introduced, which all those who, since that time, have obtained any Lands from the Crown, have pursued to the damage of his late Majesty, and of our Sovereign Lord the King that now is, to an exceeding great value. And afterwards he surrendered to his Majesty divers Mannors and Lands, parcel of those Lands formerly granted unto him, to the value of Seven hundred twenty three pounds eighteen shillings and two pence half-penny, *per annum*; in consideration of which surrender, he procured divers other Lands of the said late King to be sold and contracted for, by his own Servants and Agents, and thereupon hath obtained grants of the same, to pass from his late Majesty, to several persons of this Kingdom, and hath caused Tallies to be stricken for the Money, being the consideration mentioned in those Grants in the Receipt of the Exchequer, as if any such Moneys had really come to his Majesty's Coffers; whereas the Duke (or some other by his appointment) hath indeed received the same sums, and expended them upon his own occasions. And notwithstanding the great and inestimable gain by him made by the sale of Offices, Honours, and by other Suits by him obtained from his Majesty, and for the countenancing of divers Projects, and other Courses, burthen-some to his Majesty's Realms, both of *England* and *Ireland*; the said Duke hath likewise, by his procurement and practise, received into his hands, and disbursed to his own use, exceeding great sums, that were the Monies of the late King of famous memory, as appeareth also in the said Schedule hereunto annexed: And the better to colour his doings in that behalf, hath obtained several Privy Seals from his late Majesty, and his Majesty that now is, warranting the payment of great sums to pers. ns by him named, causing it to be recited in such Privy-Seals, as if these sums were directed for secret Services concerning the State, which were notwithstanding disposed of to his own use; and other Privy-Seals by him have been procured for the discharge of those persons without account; and by the like fraud and practise, under colour of free Gifts from his

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Majesty, he hath gotten into his hands great sums which were intended by his Majesty to be disbursed for the preparing, furnishing and victualing of his Royal Navy; by which secret and colorable devices the constant and ordinary course of the Exchequer hath been broken, there being no means by matter of Record to charge either the Treasurer or Victualler of the Navy with those sums which ought to have come to their hands, and to be accompted for to his Majesty; and such a confusion and mixture hath been made between the Kings Estates and the Dukes as cannot be cleared by the Legal Entries and Records, which ought to be truly and faithfully made, and kept, both for the safety of his Majesties Treasure, and for the indempnity of his Officers and Subjects whom it doth concern. And also in the sixteenth year of the said King, in the Twentieth year of the said King, he did procure to himself several Releases from the said King of divers great sums of Money of the said King by him privately received, and which he procured, that he might detain the same for the support of his Places, Honors and Dignities. And these things, and divers others of the like kind, as appeareth in the Schedule annexed, hath he done, to the exceeding diminution of the Revenue of the Crown, and in deceit both of our Sovereign Lord the King that now is, and of the late King *James* of famous memory, and to the detriment of the whole Kingdom.

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Before Mr. *Sherland* entred to open and enlarge upon the Twelfth Article, he discoursed in general concerning Honors, mentioned in the preceding Article, and spake as followeth.

My Lords,

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"**I**T hath pleased God (who hath the disposing even of all things in his hands) to cast this service now upon me, who did formerly my endeavor to decline it, considering the weightiness of the business, the greatness of this presence, and my manifold defects, best known to myself: But another that should have with better contentinent, I doubt not, performed this service, being fallen now sick, there is a necessity imposed on me by the House of Commons, wherein I shall be very plain and short, according to the warning I had; yet I shall deal plainly and faithfully, according to the fence of that House by whose command I now appear: And since I am now thrust as a Bush into the Gap, I hope your Lordships will not expect such a composure and strength of Speech which you have had from others of my Companions. The Subject that falls to my Lot to speak of before your Lordships, are *Honor* and *Justice*, two great Flowers of the Crown: I confess my self exceeding unfit and unable to speak of these Points before so great an Assembly of such Persons of so great Honor, and such superior Judges of this Kingdom; but I must take my Lot: It pleaseth your Lordships, as in Sphere to take knowledge of the Grievances presented by the Commons House which I desire and hope your Lordships will not take presumption.

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" May it please your Lordships, the parts of this Charge, as you discern upon the reading of it, are two; the one general, the other particular: The general is, perverting the antient and noble course of

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attaining

An. 1626. "attaining to the Titles of Honor. 2. The other, the compulsion or enforcement of Men unwilling to purchase Honor.

Mr. Sherland  
enlargeth the  
Ninth Article.

"For the first by way of Protestation, I am commanded by the House of Commons, to say, that they repine not at their advancement upon whom those Honors were conferred, but they think them worthy thereof; yet they wish, for their sakes, and the safety of this Nation, their vertues had solely raised them, and that they had not been forc'd and constrained to contribute to this bottomless Gulf to attain their Titles.

"They complain again of this unworthy way brought in by this great man, they fall upon this in this manner, and found the Evils under which the Commonwealth suffers, and the causes of them being two principal Evils, which are the decay and stopping of the Trade, and the determination of Honor. In-examination of which second Evil, the Trade and Commerce of Honor, we have, as the Commons do, receive, *confitentem reum*: For he endeavouring to colour the matter, says for himself, That he was not the only introducer and first bringer in of this; but they find that he was the first that defiled this Virgin of Honor so publickly, making an account, that all things and persons should stoop and subject themselves to his vain desires and extravagancy. Now that this commerce of Honor is an offence; then to prove what kind of offence it is, is the only thing I shall trouble your Lordships with.

1. "And first that it is an offence, I shall draw my first Argument from the *Nature of Honor*; Honor is a Beam of Virtue; now this Honor can be no more fixed upon an undeserving Person for Money, than fire can be struck out of a stick.

2. "From the *Subject of Honor*, which is Merit, for the which no price ought to be paid to any great Man by any undeserving person for the same, but their own merit and desert.

Then he passed to the Grievances which are caused by the selling of Titles, and they are Three.

1. "First, it is prejudicial to the Noble Barons of this Kingdom.
2. "To the King, by disabling him to reward extraordinary vertues.
3. "To the Kingdom, which comprehends both Kings, Lords, and People.

"For the first, he said, He would not trouble their Lordships with recital, how antient, how famous the Degree of Barons hath been in these Western Monarchies; He said, the Baronage of England hath longer upheld that Dignity; and doth yet retain a greater height than in any other Nation; they are great Judges, a Court of the last resort, they are great Counsellors of State, and not only for the present, but as Law-makers, Counsellors for the time to come; and this not by Delegacy and Commission, but by Birth and inheritance; So that when any man shall be made a Member of this great Body, who is not qualified for the performance of such noble Functions, it must needs be a prejudice to the whole body, and dishonor to the head. As if a little water be put into a great Vessel of Wine,

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" Wine, as it receives Spirit and strength from the Wine, so it doth  
" impart some degrees of its own infirmity and coldness to the  
" Wine.

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A " Secondly, It is prejudicial to the King; not that it can disable him  
" from giving Honor (for that it is a power inseparable) but by making  
" Honor ordinary, it becomes as an incompetent reward for extraor-  
" dinary virtue; when Men are noble, they are taken out of the Pres-  
" es of the common sort, and how can it chuse but fall in estimation, if  
" Honor it self be made a Pres?

B " Thirdly, It is prejudicial to the Kingdon; the Stories and Records  
" are full of the great assistance which the Crown hath received from  
" the Barons, both in Foreign and Domestique Actions, not only by their  
" own persons, but by their Retinue and Tenants, and therefore they  
" are called by *Bracton, Robur Belli*; how can we now expect the like  
" from such as have no Tenants and are hardly able to maintain them-  
" selves?

C " But this is not all; for the prejudice grows not primitively by de-  
" fect of that assistance which they might give the State; but positively  
" they have been a great burthen to the Kingdom by Gifts and Pensions  
" already received, and yet stand in need of more for the future support  
" of their Dignities. This makes the Dukes offence the greater, that  
" in this weakness and Consumption of the Commonwealth, he hath  
" not been contented alone to consume the Publick Treasure, (which is  
" the Blood and Nourishment of the State) but hath brought in others  
" to help him in this work of Destruction. And that they might do it  
" more eagerly by inlarging their Honors, he hath likewise enlarged  
" their Necessities; and their Appetites. He did second his Charge  
" with two Presidents; The First, 28 Hen. 6. in the Complaint against  
" the Duke of Suffolk, in the one and thirtieth Article of that Complaint  
" this was one of his Charges, that he *William de la Pool, Duke of Suf-*  
" *folk*, had procured one who had Married his Niece, to be made Earl  
" of Kendal, and obtained for him One thousand pounds *per annum* in  
" the Dutchy of Guienne; and yet this Party was the Son of a Noble  
" and well-deserving Father. So you see this is no new thing for the  
" House of Commons to complain, that those that are near the King  
" should raise their Kindred to an unnecessary Honor; and if that were  
" worthy of punishment for advancing of one, then what punishment  
" is he worthy of that hath advanced so many?

E " The second President is 17 Edr. 4. There passed an Act of Parlia-  
" ment for the degrading of *John Nevil, Marquis Montague*, and Duke  
" of Bedford; the reason expressed in the Act is, because he had not a  
" Revenue sufficient for the maintaing of that Dignity; to which is  
" added another reasoun of that nature, that when Men of mean birth  
" are called to a high Estate, and have not livelyhood to support it, it in-  
" duceth great poverty, and causeth Briberies and Extortions, Imbrace-  
" mes and Maintenance.

F " And now my Lords, how far these Reasons shall lead your Judg-  
" ments in this Case, I must leave it to your Lordships.

Then he read the Twelfth Article, being the second part of his  
Charge; The Title whereof was, the Exhausting, Intercepting, and  
Misemploying the Kings Revenues.

An. 1626

" My Lords, This Article consists of several Clauses , which in some respects may be called so many distinct Charges ; for though they all tend to one end and scope, the diminishing the King's Treasure, yet it is by divers ways, so that every Clause is a particular Branch. Therefore he desired to break it into parts, and to select the most material, either in point of offence or grievance, intending to pass through them with this order ; first, to declare the state of the proof, and then to add such reasons and inforcements as he did conceive most conducive to that Judgment which the Commons were to expect from their Lordships.

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He made two main Branches of this Article. The first concerns Lands obtained from the Crown ; the second concerns Money in Pensions, Gifts, Farms, and other kind of profit.

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Touching the Lands he observed four things,

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" 1. The sum of three thousand thirty five pounds *per annum* of old Rent, besides the Forrest of *Layfield* of which we have no value, and we can find no Schedule granted by the late King to my Lord of *Buckingham* within ten years past, as appeareth by the several Grants vouch-ed in the Schedule annexed ; and it was in it self a great grievance, that in a time of such necessity, when the Kings Revenues are not able to support such a great charge, that so much Land should be conveyed to a private man : this he acknowledged was not the Dukes case alone, for others had received divers Grants from the King, but none in so great measure.

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" And because the Commons aim not at Judgment only, but at Reformation, he wished, that when the King should bestow any Land for support of Honors, that the caution which was wont to be carefully observed might again return into use ; that is, to annex those Lands to the Dignity, left being obtained and wasted, the Party repair to the King for a new support ; by which provision the Crown will reap this Benefit ; that as some Lands go out of new Grants, others will come in by spent Intails.

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" He said he would not trouble their Lordships with repetition of the Laws heretofore made for preventing the alienation of the Kings Lands, and for resuming those that had been alienated, nor of the Ordinances made in this high Court for the same purpose, and Fines set upon those that presumed to break such Ordinances ; he only added as a further enforcement of the Grievance, that when the Kings Revenue be unable to defray publick necessities, the Commons must needs be more burthened with Supplies,

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" 2. His second Point was, the unusual Clauses which the Duke by his greatness hath procured to be inserted into the Warrants for passing of those Lands, of which two were mentioned ; the first, That the casual profits should not be rated in the particulars ; the second, That all Bayiffs Fees should be reprimed : Both which are to be proved by the Warrants remaining with the Auditors of the Rates, and other Auditors ; whereupon he presented these Considerations.

G  
" First, That it was a mark of Ingratitude and Insatiableness in the Duke, thus to strain the Kings Bounty beyond his intention ; and that " he

" he would not receive this Bounty by the ordinary way, but by the  
" way of practice.

2 Caroli.

" Secondly, it argued unfaithfulness in him, that being a sworn  
" Counsellor, he should put the King into such Courses of so much pre-  
" judice, deceitfully, in concealing the value of that which he bought;  
" so that the King gave he knew not what; For under the proportion  
A " of Two thousand pounds, he gives it may be Four thousand pounds.  
" And by this the King did not only sustain great los's for the present, but  
" it opened a way of continual los's, which hath ever since been pursued  
" by all those who have passed Lands from the Crown.

B " Thirdly, the King is hereby not left Master of his own Liberali-  
" ty, neither in proportion nor certainty; for it might so fall out,  
" that the Quantity passed from him, might be treble to that he in-  
" tended.

C " 3. The third was, *The Surrender of divers parcels of these Lands back*  
" *to the King, after he had held them some years, and taking others from the*  
" *King in exchange.* Where he noted,

D " That the best of the Lands and most vendible being passed away,  
" the worst lay upon the Kings hand; that if he should have occasion to  
" raise Money by sale of Lands, that course is not like to furnish him.  
" Besides, that in the mean time betwixt the Grants and the Surrenders,  
" opportunity was left to the Duke to cut down Woods, to enfranchise  
" Copyho'ds, to make long Leases, and yet the old Rent remaining still,  
" the Land may be surrendered at the same value. Whether this have  
" been practised, he could not affirm, not having had time to examine  
" it; yet he desired the Lords to enquire after it, the rather for that the  
" Mannor of G. in Lincolnshire being dismembred, and Seventeen pounds  
" of the old Rents sold out of it, was by a Surrender turned back upon  
" His Majesty,

E " 4. The fourth point of this Branch was, The colourable Tallies  
" divers parcels of these Lands had from the Crown in lieu of this Sur-  
" render, being sold and contracted for by his own Agent, and the Money  
" received by himself or to his use, and yet Tallies were stricken out, as  
" if it had really come to the Exchequer for His Majesties Service. This  
" is to be proved by his own Officers, by the Officers of the Exchequer,  
" and by the Tallies themselves, which Tallies amount unto 20563*l.*  
" 16*s.* 8*d.* Whence he observed,

F " First, That there ran a trade of Falshood toward the King through-  
" out all this his dealing,

" Secondly, that this was a Device thought upon to prevent the wi-  
" dom of Parliament; for by this means the Grant seems to have the face  
" of valuable purchases, whereas they were indeed free Gifts.

" Thirdly, If the Title of those Lands should prove questionable,  
" it appearing by Record, as if the King had received the Money, he  
" was bound in Honor to make restitution, and yet the Duke had the  
" profit.

" But it may be said, This was the Purchasers desire for their own  
" security. Of which objection he made this use, That the Subjects ge-  
" nerally took notice of so much Lands given to the Duke, that there is  
" good cause to expect a Resumption.

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An. 1626.

"In the second general branch of this Article concerning Money, "the first point observed was, the total sum received by him in ten "years space, amounting to 162995. l. besides the Grant he hath of the "Overplus above three thousand pounds *per annum* to be made of the "Third imposed upon Strangers Goods, and besides the Moyety of "Seven thousand pounds out of the Customs of *Ireland* which he is "bound to pay to the King; but whether it hath been paid, or no, is "doubtful.

A

"This he delivered as a Sum Estimative, yet so computed as it may "be more, but no less. And this total ariseth by free Gifts or Pensions "to himself, else by profit of Farms, by Pensions to others; for "Offices, whereof he received the profit, as the *Admiralty*, and *Ma-*  
*sterrsb:p of the Horse*. All which appear by a Schedule annexed to his "Charge.

B

"The Grievances consist in this; That the Common-wealth hath "been bereaved of the use and employment of so Publick Treasure in a "time of as great want, and great occasions in this State, as it hath had "in many Ages, when the expences of the Kings Court can hardly be "supplied, when his Houle and Castles were unfurnished, when the Seas "have been unguarded, the Coast subject to the incursion and spoil of "Enemies by default of Provision in the Navy, to the dishonor of the "Nation, and damage of the Subjects, and hazard of the whole. And "the offence is this, that the wants in the Navy and Stores being with- "in his own Charge, he was no more sensible of them; whereby it ap- "pears, he preferred the serving of his own turn before his Duty and "before the safety of this State.

C

"The second point observed in this branch, was, That the Duke "under pretence of secret services, had procured great sums of Money "to be issued by Privy-seals to sundry persons named by himself, but "afterward employed to his own use. Hereof two Instances are pro- "pounded: the one of eight thousand pounds paid to Sir *Robert Pye*, 12 "Aug. 1610. and by him disbursed for the Dukes purchase of *Burleigh*, "and Sir *Robert Pye* discharged by another Privy Seal, 4 Junii following. "The second instance is of sixty thousand pounds paid to *Burlimach* by a "Privy-Seal, in September 1625. Which time they rather noted, because "the Parliament at *Oxford* was broken up a little before out of discon- "tent that the King was not supplyed for the setting out of the Fleet, "which would have been done with a less sum. For the proof of that "the House of Commons will offer to your Lordships Witnesses.

D

"The quality of this offence he left to their Lordships judgment; "yet propounding some things by way of enquiry, from whence it might "receive meaisure and proportion. 1. Whether it had not affinity with the "Crime in the Civil Law, called *Crimen peculatus*; which was when a man "did unjustly turn to his own use that Money which was either *sacra*, "dedicated to Gods Service religioufly; or *religiosa*, used about Funerals "and Monuments of the Dead; or *publica*, of which kind the matter now "in question is? And this offence by that Law was Death and Confisca- "tion of Goods and Estate. Which he notes the rather, that their Lord- "ships might perceive, that in the wildest State the Publick Treasure was "held in the same reputation with that which was dedicated to God and "Religion. 2. And whether it doth not resemble another Crime in the "Same Law termed *Crimen falsi*, and is defined to be when a man shall

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2 Caroli.

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"imitatione veri suum compendium alieno dispendio per dolum facere, by  
 "semblance of truth make gain to himself of other mens losses : Which  
 "in the case of a Bondman was death, and in case of another man banish-  
 "ment and Confiscation, or otherwise very penal, as the Judges should  
 "find cause of moderation, or rigor, in the nature and circumstances of  
 "the Fact. 3. Whether their Lordships will estimate it according to any  
 "Sentences in the Star-chamber, which have been very frequent in cases  
 "of Fraud : or according to the Common-Law, which so much detests  
 "this kind of dealing, as that they term it *Covin*, and make it vitiate, ordi-  
 "nary and lawful actions. Or lastly, whether they will Measure it by  
 "that Judgment which the Duke hath pass'd against himself in the guilt  
 "of his own Conscience ? (Direct Actions are not afraid to appear open-  
 "faced ; but Injustice and Fraud desire to be masked with subtily and  
 "closeness.) It were offence enough, if there were no more but a cun-  
 "ning concealing of unthankfulness to hide his Majesties bounty; or guilt  
 "of unworthiness, as it he durst not avow the receipt of that which he hath  
 "not merited ; both which proceed from *Malum culpa*, or else that other  
 "kind of guilt which proceeds from *Malum pœnae*, the fear of punishment  
 "foreseeing this Inquisition into his actions, and hoping, under this dis-  
 "guise of Publick service, to Escape their Lordships censure.

C

"The third point in this branch is, That he hath received sundry  
 "sums of money intended for the maintenance of the Navy : whereof  
 "there are two instances: the one whereof is 20000*l.* the other of 300*col.*  
 "both in January 1624. By Privy-Seal, by the which these sums are issu-  
 "ed, they appear to be Free gifts : But by the affimation of some in an-  
 "swer for the Duke, it hath been said, He was only the hand to convey  
 "them to the Treasury of the Navy. If the truth be according to the  
 "Privy-seal, they are to be added to the former total as parcel of his own  
 "gain : If according to that allegation, it may prove a pres'nt of greaer  
 "damage to the King, than the money is worth ; for by this way his Ma-  
 "jesty hath no means by matter of Record to charge the Treasurer of  
 "the Navy with these sums, and may lose the benefit of the Act of Par-  
 "liament 13 Eliz. whereby Accomptants Lands are made liable to the  
 "payment of their Debts to the King, and in many cases may be sold for  
 "his Majesties satisfaction. The Treasurer of the Navy is a worthy man,  
 "but if he should dye, the King loseth the benefit.

E

"The fourth point of this branch is, That he hath caused so great a  
 "mixture and confusion between the Kings Estate and his own, that they  
 "cannot be distinguished by the Records and Entries which ought to be  
 "kept for the safety of his Majesties Treasure, and indemnity of the  
 "Subject. This is proved in divers instances, whereof the last alledged  
 "is one, and others follow.

F

"By the wisdom of the Law in the constitution of the Exchequer,  
 "there be three Guards set upon the Kings Treasure and Accompts.  
 "The first is a legal Impignoration, whereby the Estates personal and  
 "real of the Accomptants are made liable to be sold for the discharge of  
 "their debts which I mentioned before. The second an apt Control-  
 "ment over every Office ; by which the King relies not upon the indu-  
 "stry and honesty of any one man ; but if he fail in either, it may be  
 "discovered by some other sworn to take notice of it, and either to  
 "correct his errors, or amend his Faults. The third is, a durable Evi-  
 "dence

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" dence and Certainty, not for the present time only, but for perpetuity  
" because the King can neither receive, or pay, but by Record.

" All these Guards have been broken by the Duke, both in the Cases  
" next before recited, and in these which follow. The custom of the Ex-  
" chequer is the Law of the Kingdom, for so much as concerneth the  
" King's Revenue. Every breach of a Law by a particular offence, is  
" punishable; but such an offence as this, being delictive of the Law  
" it self, is of a far higher nature.

A  
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" The fift point of this second branch, is concerning two Privy-seals  
" of Release; the one 16, the other 20 Jac. whereby this Duke is dis-  
" charged of divers sums secretly received to his Majesties use, but by  
" virtue of these Releases to be converted to the support of his own  
" Estate. The proof hereof is referred to the Privy-seals themselves.  
" From which he made one observation, of the subtily he used to wind  
" himself into the possession of the King's Money, and to get that by cun-  
" ning steps and degrees, which peradventure he could not have obtain-  
" ed at once. A good Master will trust a Servant with a greater sum that  
" is out of his Purse, then he would bestow upon him being in his Purse;  
" and yet after it is out of his hands, may be drawn more easily to make  
" a Release, than at first to have made a Free gift. This is a proper in-  
" stance to be added to the proof of the point of mingling his own Estate  
" with the Kings; and of the same kind be other particulars mentioned  
" in the Schedule, though not expressed in the Charge; as Twenty  
" thousand pounds received in Composition for the Earl of M. his  
" Fine, which cannot be discovered whether part or all be converted  
" to the Dukes benefit, and yet it appears by a Private-seal to be clear-  
" ly intended to the King's own service for the Household and Ward-  
" robe, till by the Dukes practice it was diverted into this close and  
" by-way.

" Another instance in this, is, His endeavor to get the Money which  
" should be made of Prize-goods into his own hands; and for this pur-  
" pose, he first laboured to procure that his man *Gabriel Marsh* might re-  
" ceive it; and when it was thought fit some partner should be joyned  
" with him, trial was made of divers, but none of any credit would un-  
" dertake the charge with such a Consort. And the Commons have rea-  
" son to think there was good cause of this refusal; for he is so ill an Ac-  
" comptant, that he confessed in their House (being examined) that by  
" authority from the Duke he received divers bags of gold and silver  
" out of the S. Peter of Newhaven, which he never told.

" When this practice of employing his own man would take no effect,  
" then he procured a Commission from Sir *William Russel*, who is indeed  
" without exception an able and worthy Officer; but that is not enough  
" for the King's security; For however he was to receive the money, it  
" was to be disbursed by and to the Duke's warrant and profit. Which  
" Clause hath been altered since this was questioned in Parliament; and  
" now it is to be issued from an immediate Warrant from his Majesty:  
" But as it was before, it may be noted as an incroachment upon the  
" Office of my Lord Treasurer, whereby he might make a more easie way  
" to some sinister end of his own; so that upon the matter, Sir *William*  
" was but a safeguard of the Money for the Duke himself. And this  
" I must note of some guilt in the very act of it.

A "The last point upon this whole Charge, was a reduction of the value of the Land, together with the Money into one total, and to that purpose he rated the Land, being valued at a reasonable value, at fourty years purchase; for although some of it was sold for thirty, yet a great part was worth more than a hundred years purchase, so as forty years is conceived to be an easie Medium; at this rate, 3035*l.* amounteth to 121400*l.* which being added to the total of the Money received, 162995*l.* both together make the sum of 284395*l.* besides the Rest of Leyfield, and besides the profit made out of the thirds of Strangers Goods, and the Moiety of the profit made out of the Customs of Ireland.

B "This is a great sum in it self, but much greater by many Circumstances; if we look upon the time past, never so much came into any private mans hands out of the publick Purse; if we respect the time present, the King never had so much want, never so many Forreign occasions, important and expensive; the Subjects have never given greater supplies, and yet those supplies unable to furnish these expences. But as the Circumstances make the sum greater, so there be other Circumstances which make it less, if it be compared with the inestimable gain he hath made by the sale of Honours and Offices, and by projects hurtful to the State, both of England and Ireland; or if it be compared to his profusion, it will appear but a little sum. All these gifts, and other ways of profit, notwithstanding he confess before both Houses of Parliament, that he was indebted 10000*l.* If this be true, how can we hope to satisfie his prodigality? if false, how can we hope to satisfie his covetousness? and therefore their Lordships need not wonder, if the Commons desire, and that earnestly, to be delivered from such a Grievance.

C "That this complaint and proceedings of theirs may appear to be suitable to the proceedings of their Predecessors in like cases; he alledged three Presidents, which he said were Presidents in kind, but not in proportion, because there hath never been the like.

D "The first, 10 Rich. 2. in the complaint against Michael de la Pool, Earl of Suffolk; out of which he took three Articles: the first, That being Chancellor, and sworn to the King's profit, he had purchased divers lands from the King, more than he had deserved, and at under rate; yet this was thought to be an offence against the State.

E "The second, That he had bought of one Tydman an Annuity of Five hundred pound per annum; which Grant was void by the Laws, yet he being Chancellor, procured the King to make it good by a new Grant, upon surrender of the old. This was complained of in Parliament, and there punished.

F "The third, Whereas the Master of St. Anthony's, being a Schismatick, had forfeited his Possessions into the King's hand; this Earl took them in Farm at Twenty Marks a year, converting the overplus, which was One thousand Marks, to his own profit, which would have come to the King.

G "The next President, 11 Rich. 2. in the Judgment against Robert de Vere of Oxford, and others; out of which he took two Articles, the Fifth and Seventh: The Fifth was for taking Manors and Lands annexed to the Crown, whereby they themselves were enriched, and the King made poor. The Seventh was for intercepting the Subsidies granted for the defence of the Kingdom.

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"The third President is that of 28 Hen. 6. in the Parliament-Roll,  
 "out of the complaint against *William de la Pool*, Duke of *Suffolk*, Article  
 "29. That he being next and primest of Council to the King, he had pro-  
 "cured him to grant great Possessions to divers persons, whereby the  
 "King was much impoverished, the expence of his House unpaid, Wages,  
 "Wardrobe, Castles, Navy, Debts, unsatisfied ; and so by his subtil  
 "Council, and unprofitable Labour, the Revenues of the Crown, and  
 "the Dutchy of *Lancaster*, and other the King's Inheritances, so much  
 "diminished, and the Commons of the Kingdom so extremely charged,  
 "that it was near to a final destruction.

"The Fourth was, That the King's Treasure was mischievously distri-  
 "buted to himself, his Friends and well-willers ; so that for lack of Mo-  
 "neys, no Army, nor Ordnance, could be provided in time ; and because  
 "these great persons were not brought to judgment upon these Articles  
 "alone, but for other misdemeanors, he made this observation, That  
 "ravelling upon the King's Estate, is always accounted with other  
 "great faults that deserve judgment. B

Then he said, he had done with that which had been left to him ; and  
 so he left the Duke to their Lordships Justice, That as he had exceeded  
 others in this offence, so he might not come behind them in punishment.  
 And so he humbly desired their Lordships to be pleased to pardon his  
 Delivery, and to give a favourable censure of him.

C  
 Lastly, The thirteenth Article was read.

XIII. Whereas special care and order hath been taken by the Laws  
 of the Realm, to restrain and prevent the unskilful Administration of Phy-  
 sick, whereby the health and life of Men may be much endangered. And  
 whereas most especially, the Royal Persons of the Kings of the Realm, in  
 whom, we their Loyal Subjects humbly challenge a great interest, are,  
 and always have been esteemed by us so sacred, that nothing ought  
 to be prepared for them, or administred unto them in the way of Phy-  
 sick or Dyt, in the times of their sickness, without the consent and  
 direction of some of their sworn Physicians, Apothecaries, or Chyrurgeons.  
 And the boldness of such (how near soever to them in place and favour)  
 who have forgotten their duties so far, as to presume to offer any thing  
 unto them beyond their experience, hath been always ranked in the  
 number of high Offences and Misdemeanors. And whereas the sworn  
 Physicians of our late Sovereign Lord King *James*, of blessed memory, at-  
 tending on his Majesty in the month of *March*, in the Two and twentieth  
 year of his most glorious Reign, in the times of his sickness, being an  
 Ague, did, in due and necessary care of, and for the recovery of his health,  
 and preservation of his Person, upon, and after several mature Consulta-  
 tions in that behalf had and holden, at several times in the same moneth,  
 resolve and give directions, That nothing should be appli'd or given unto  
 his Highness, by way of Phywick or Diet, during his said sickness, but by,  
 and upon, their general advice and consents, and after good deliberation  
 thereof first had, more especially by their like care, and upon like con-  
 sultations ; did justly resolve, and publickly give warning to, and for all  
 the Gentlemen, and other Servants and Officers of his said late Majes-  
 ty's Bed-Chamber, That no Meat or Drink whatsoever should be gi-  
 ven unto him, within two or three hours next before the usual time of,  
 and

2 Caroli.

A and for the coming of his Fit in the said Ague, not during the continuance thereof, nor afterwards, until his cold Fit were past. The said Duke of *Buckingham*, being a sworn Servant of his said late Majesty, of and in his Majesty's said Bed-chamber, contrary to his duty, and the tender respect which he ought to have had of his Majesty's most Sacred Person; and after the Consultations, Resolutions, Directions, and Warning aforesaid, did nevertheless, without any sufficient warrant in that behalf, unduly cause, and procure certain Plaisters, and a certain Drink or Potion to be provided for the use of his said Majesty, without the direction or privity of his said Majesty's Physicians, not prepared by any of his Majesty's sworn Apothecaries or Chyrurgeons, but compounded of several Ingredients to them unknown. Notwithstanding the same Plaisters, or some Plaster like thereunto, having been formerly administered unto his said Majesty, did procure such ill effects, as that some of the said sworn Physicians did altogether disallow thereof, and utterly refused to meddle any further with his said Majesty, until these Plaisters were removed, as being hurtful and prejudicial to the health of his Majesty; yet nevertheless the same Plaisters, as also a Drink or Potion, was provided by him the said Duke; which he the said Duke, by colour of some insufficient and slight pretences, did upon *Monday*, the one and twentieth day of *March*, in the two and twentieth year aforesaid, when his Majesty, by the judgment of his said Physicians, was in the declination of his disease, cause and procure the said Plaid Plaisters to be applied to the Breast and Wrists of his said late Majesty. And then also at, and in his Majesty's Fit of the said Ague, the said *Monday*, and at several times within two hours before the coming of the said Fit, and before his Majesty's then cold Fit was passed, did deliver, and cause to be delivered, several quantities of the said Drink or Potion to his late Majesty; who thereupon at the same times, within the seasons in that behalf prohibited by his Majesty's Physicians, as aforesaid, did, by the means and procurement of the said Duke, drink, and take divers quantities of the said Drink or Potion.

B After which said Plaisters, and Drink or Potion, applied and given unto, and taken and received by his said Majesty, as aforesaid, great distempers and divers ill symptoms appeared upon his said Majesty; insomuch that the said Physicians finding his Majesty the next morning much worse in the estate of his health, and holding a Consultation thereabout, did, by joyn't consent, send to the said Duke, praying him not to adventure to minister to his Majesty any more Physick, without their allowance and approbation. And his said Majesty himself finding himself much diseased and affected with pain and sickness, after his then Fit, when by the course of his Disease he expected intermission and ease, did attribute the cause of such his trouble unto the said Plaster and Drink, which the said Duke had so given, and caused to be administered unto him. Which said adventurous act, by a Person obliged in duty and thankfulness, done to the Person of so great a King, after so ill success of the like formerly administered, contrary to such Directions as aforesaid, and accompanied with so unhappy event, to the great grief and discomfort of all his Majesty's Subjects in general, as an offence and misdemeanour of so high a nature, as may justly be called, and is, by the said Commons, deemed to be an act of transcendent presumption, and of dangerous consequence.

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The Thirteenth Article  
enlarge by  
Mr. Wandes-  
ford.

Mr. Wandesford deputed to enlarge and aggravate upon the Thirteenth Article, commended the charity and providence of that Law, which makes it penal for unskilful Empyricks, and all others, to exercise and practise Physick upon common persons, without a lawful Calling and Approbation branding them who thus transgress as *Improbos, Ambitiosos, Temerarios, & Andaces homines*: But he that without skill and calling shall direct a Medecine, which upon the same person had wrought bad effects, enough to have diswaded a second adventure; and then when Physicians were present, Physicians selected for Learning and Art, prepared by their Office and Oaths, without their consent, nay, even contrary to their Direction, and in a time unseasonable; he must needs (said he) be guilty, albeit towards a common person, of a precipitate and unadvised rashness, much more towards his own Sovereign. And so pious are our selves to put the Subjects in mind of their duty towards their Princes, Persons so Sacred, that in the attempt of a Mad-man upon the King, his want of Reason, which towards any of his fellow subjects might acquit him of Felony, shall not excuse him of Treason. And how wary and advised our Ancestors have been not to apply things in this kind to the person of a King, may appear by a President, 32 H. 6. where John Arundel, and others the Kings Physicians and Chyrurgeons, thought it not safe for them to administer any thing to the King's Person, without the assent of the Privy Council first obtained, and express Licence under the great Seal of England.

This Medicine found his Majesty in the declination of his disease, (and we all wish it had left him so) but his better days were shortly turned into worse; and in stead of health and recovery, we hear, by good testimony (that which troubles the poor and loyal Commons of England) of great distempers, as Droughts, Raving, Fainting, an intermitting Pulse, strange effects to follow upon the applying of a Treacle Plaister. But the Truth is, Testimony tells us, that this Plaister had a strange smell, and an invective quality, striking the malignity of the disease inward; which Nature otherwise might have expelled outward. Add to this the Drink, twice given to his Majesty, by the Duke his own hands, and a third time refused, and the following complaint of that blessed Prince, the Physicians telling him, to please him for the time, That his second impairment was from cold taken, or some other ordinary cause: *No, no, said his Majesty, it is that which I had from Buckingham.* And though there be no President (said he) of an act offered to the Person of a King, so insolent as this; yet it is true, that divers persons as great as this, have been questioned and condemned for less offences against the Person of their Sovereign. It was an Article among others laid against the Duke of Somerset, for carrying Edward the Sixth away in the night time, out of his own head, but from Hampton-Court to Windsor; and yet he was trusted with the Protection of his Person. Presidents failing us in this point, the Common Law will supply us. The Law judgeth a Deed done in the execution of an unlawful act, Man-slaughter, which otherwise would but have been Chance-medly; and that this act was unlawful, the House of Commons do believe, as belonging to the Duty and Vocation of a sworn and experimented Physician, and not the unskilfulness of a young Lord. And so precious are the lives of men in the eye of the Law, that though Mr. Stanford saith, If a Physician take one into his Cure, and he die under his hands; it is not Felony, because he did it not

A not feloniously. Yet it is Mr. Bracton's opinion, That if one that is no Physician or Chyrurgeon undertake a Cure, and the Party die under his hands, this is Felony. And the Law goeth further, making Physicians and Chyrurgeons themselves accomptable for the Death of their Patients, if it appear they have transgressed the Rules of their own Art; that is, by undertaking a thing wherein they have no experience, or having yet failed in their care and diligence.

2 Caro.

Lastly, he said, He was commanded by the House of Commons to desire their Lordships, that seeing the Duke hath made himself a President in committing that which former Ages knew not, their Lordships will, out of their Wisdom and Justice, make him an Example for the time to come.

B The several Articles being thus enlarged and aggravated by the said respective Members, Sir John Elliot was appointed to make the Epilogue to the Impeachment, who spake thus.

### My Lords,

C "Y Our Lordships have heard, in the Labours of these two days spent in this service, a representation from the Knights, Citizens and Burgesses of the Commons House of Parliament, of their apprehension of the present evils and dangers of this Kingdom; of the Causes of the same; and of the application of them to the Duke of Buckingham, so clearly and fully, as I presume your Lordships expect I should rather conclude, than add any thing to his Charge.

Sir John Elliot's Speech, concluding the Duke's Impeachment.

D "Your Lordships have heard how his Ambition was expressed in procuring and getting into his hands the greatest Offices of Strength and Power of this Kingdom; by what means he had attained them, and how Money stood for Merit.

E "There needs no Argument to prove this, but the common sense of the miseries and misfortunes which we suffer; adding but one, the Regality of our Narrow Seas, the antient Inheritance of our Princes, lost or impeached.

F "This I need not further to press, but from hence my Observation must descend to his other Virtues, and that by way of Perspective: I shall give it so near and short, as rather to exercise your Lordships memory, than to oppress your patience.

"First, I propose unto your Lordships, the inward Character of the Duke's mind, which is full of collusion and deceit; I can express it no better than by the Beast, called by the Antients *Stellionatus*; a Beast so blurr'd, so spotted, so full of foul lines, that they knew not what to make of it: so do we find in this man's practice, who first inveagled the Merchants, drawing them to Deep to be inthrall'd; then dealt deceitfully with the King to colour his offences, his design being against Rochel and the Religion: Next with the Parliament, to disguise his actions; a practice no less dangerous and disadvantageous to us, than prejudicial to our Friends and Allies.

"Next, I present to your Lordships, the Dukes high oppression, and that of strange latitude and extent, not to Men alone, but to Laws, and Statutes, to Acts of Council, to Pleas and Decrees of Court, to the pleasure of his Majesty, all must stoop to him, if they oppose or stand

"in

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"in his way. This hath been expressed unto you in the Ship called the "St. Peter, and those of Deep; nay, he calls on the colour of his Majesty's great Name to shadow his design.

"It had been his duty, nay, the rest of the place, not to have translated them into the hand of Strangers; that had his Majesty yielded in that point, the Duke should have opposed it by his continual Prayers and Intercessions, making known unto his Majesty the Inconveniences likely to ensue, and not to rest there, but to have reported it to your Lordships sitting in Council, to have desired and prayed your aid and assistance, in a matter of so great importance: And if this had failed, he should have entered into a Protestation against it. This hath been done by worthy Predecessors in that Office, and this hath been the worthy discharge of the great Trust reposed in his place.

"I heard the Ships were returned, but I know it; but if I knew so, this neither excuseth, nor qualifieth the Duke's offence. The French in this case are to be commended, not he excused; he left them in the hands of a Foreign Power, who when they once had them, for any thing he knew, might easily have kept them.

"The third Head is, The Duke's Extortion, in exacting from the East India Company, without right or colour, Ten thousand pounds, exquisitely expressed, and Mathematically observed by the Gentleman (you know by whom employed) who, by his Marine experience, learned this Observation, That if the Fleet gained not the Wind by such a time at the Cape, the Voyage was lost.

Here one of the Lords interposing privately, It was the King that employed him; Sir John Eliot, in the name of the Commons, makes this *Protestation*.

"Far be it from them to lay an *Odium* or Aspersion on his Majesty's Name; they hold his Honour spotless, nor the least shadow of blemish can fix upon him in this business.

"Next to the foul Extortion, is Bribery and Corruption in the sale of Honour and Offices of Command. That which was wont to be the Crown of Virtue and Merit, is now become a Merchandise for the greatness of this Man, and the Justice it self made a prey unto him. All which particulars your Lordships have heard opened, and enforced with Reasons and Proofs, what in themselves they are; and therefore I spare further to press them.

"In the fifth place, I observe a wonder in Policy and in Nature, how this Man, so notorious in evil, so dangerous to the State in his immense greatness, is able to subsist of himself, and keep a Being: To this I answer, That the Duke hath used the help of Art to prop him up: It was apparent, that by his skill he hath raised a Party in the Court, a Party in the Countrey, and a main Party in the chief Places of Government in the Kingdom: So that all the most deserving Offices that require Abilities to discharge them, are fixed upon the Duke, his Allies and Kindred. And thus he hath drawn to him and his, the Power of Justice, the Power of Honour, and the Power of Command, and, in effect, the whole Power of the Kingdom, both for Peace and War, to strengthen his Allies; and in setting up himself, hath set upon the King.

" Kingdoms Revenues, the Fountain of Supply, and the Nerves of the Land.

" He intercepts, consumes, and exhausts the Revenues of the Crown, " not only to satisfie his own lustful desires, but the luxury of others; and " by emptying the Veins, the Blood should run in, he hath cast the Body " of the Kingdom into an high Consumption.

A " Infinite Sums of Money, and Mass of Land, exceeding the value of " Money, Contributions in Parliament have been heaped upon him, and " how have they been employed? Upon costly Furniture, sumptuous " Feasting, and magnificent Building, the visible evidences of the express " exhausting of the State; and yet his Ambition, which is boundless, " resteth not here, but, like a violent flame, bursteth forth, and getteth " further scope: Not satisfied with injuries, and injustice, and disho- " nouring of Religion, his attempts go higher, to the prejudice of his " Sovereign, which is plain in his practise. The effects I fear to speak, " and fear to think. I end this passage, as Cicero did in a like case, *Ne gravioribus utar verbis quam rei natura fert, ant levioribus quam cause ne- ccessitas postulat.*

B C " Your Lordships have an Idea of the Man, what he is in himself, " what in his affections. You have seen his power, and some, I fear, have " felt it; you have known his practice, and have heard the effects. It " rests then to be considered, what (being such) he is in reference to the " King and State; how compatible or incompatible with either? In refe- " rence to the King, he must be stiled the Canker in his Treasure; In refe- " rence to the State, the Moth of all Goodness. What future hopes are " to be expected, your Lordships may draw out of his Actions and Affe- " ctions; I will now see, by comparison with others, to what we may " find him likened; I can hardly find him a Match or Parallel in all " Presidents; none so like him as *Sejanus*, who is thus described by " Tacitus. *Audax, sui obtgens, in alios criminator, juxta adulator & su- perbus.*

D E " To say nothing of his Veneries, if you please to compare them, " you shall easily discern wherein they vary; such boldness of the one " hath lately been presented before you, as very seldom or never hath " been seen. For his secret Intentions and Calumniations, I wish this " Parliament had not felt them, nor the other before. For his Pride " and Flattery, it is noted of *Sejanus*, that he did *Clientes suos Provinciis* " adornare. Doth not this man the like? Ask *England*, *Scotland*, and " *Ireland*, and they will tell you. *Sejanus*'s pride was so excessive, as " Tacitus saith, He neglected all Council, mixed his business and service " with the Prince, seeming to confound their Actions, and was often " stiled *Imperatoris laborum socius*. How lately and how often hath this " Man commixed his Actions in Discourses with Actions of the " Kings?

F " My Lords, I have done, you see the Man; onely this which was " conceived by the Knights, Citizens, and Burgesses, should be bold- " ly by me spoken, That by him came all these evils, in him we find " the Cause, and on him we expect the Remedies, and to this we met " your Lordships in Conference; to which, as your Wisdom invites " us, so we cannot doubt, but in your Lordships Wisdom, Great- " ness and Power, we shall, in due time, find Judgment as he de- " serves.

I con-

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" I conclude, by presenting to your Lordships the particular Censure  
 " of the Bishop of Ely, reported in the 11 Rich. 1. and to give you a  
 " short view of his faults. He was first of all noted to be luxurious; Se-  
 " condly, He married his own Kindred to Personages of highest rank  
 " and places; Thirdly, no mans business was done without his help;  
 " Fourthly, He would not suffer the King's Council to advise in matters  
 " of State; Fifthly, he grew to such a height of pride, that no man  
 " was thought worthy to speak unto him; And lastly, His Castles and  
 " Forts of Trust, he did *obscnis & ignotis hominibus tradere*. His  
 " Doom was this, *Per totam insulam publice proclamatur, perias qui perde-*  
*re cuncta festinat, opprimatur ne omnes opprimat.*

Sir John Elliot  
and Sir Dudley  
Diggs com-  
mitted to the  
Tower.

Sir Dudley Diggs having made the Prologue, and Sir John Elliot the Epilogue, in the Impeachment of the Duke, they were both by the Kings command committed to the Tower.

Upon the Impeachment of the Duke, a Paper was privately conveyed to the King, importing,

Private Sug-  
gestions to the  
King, in behalf  
of the Duke.

**T**hat this great opposition against the Duke was stirred up and maintained by such as seek the destruction of this free Monarchy. Because they find it not yet ripe to attempt against the King himself, they endeavour it through the sides of the Duke. The persons agreeing in this one mischief, are of divers sorts and humors. First, meddling and busie persons, who love popular speeches: Secondly, covetous Landlords, Inclosers, Depopulators, &c. who being of the Parliament, ease themselves in Subsidies, and lay it on the true Commons, and cry out, the Grievances are caused by the Duke. Thirdly, Recusants, who hate the Duke for the breach of the Spanish Match. Fourthly, Persons indebted, who, by Priviledge of Parliament, avoid payment. Fifithly, Puritans and Sectaries, though two of them scarcely agree in what they would have: Haters of Government, and would have the King's power extinguished in matters Ecclesiastical, and limited in Civil. Sixthly, Male-contents, who look upon the Duke with an evil eye, because themselves are not preferred. Seventhly, Lawyers, who are very fit in Parliaments to second any Complaint against both Church and King, and all his servants, with their Customs, Antiquities, Records, Statutes, Presidents, and Stories. Eighthly, Merchants and Citizens, who deceive the King of Custom. Ninthly, Innovators, plebicolæ.

That since the time of Henry the Sixth, these Parliamentary discourcings might never be suffered, as being but certain symptoms of subsequent Rebellions, Civil Wars, and the dethroning our King, and no one Patriot daring to oppose them, lest he incur the reputation of a Fool or Coward in his Countreys Cause.

His Majesty therefore strengthned himself ever with some Favourite, as whom he might better trust, than many of the Nobility, tainted with this desire of Oligarchy.

It behoveth, without doubt, his Majesty, to uphold the Duke against them, who, if he be decourted, it will be the Corner-stone, on which the demolishing of his Monarchy will be builded: For if they prevail with this, they have batched a thousand other demands to pull the Feathers of Royalty.

They will appoint him Counsellors, Servants, Alliances, Limits of Expences, and Accomp of his Revenues; chiefly if they can, they will now dazzle him in the beginning of his Reign.

Lastly, King James and King Charles are the Dukes Accusers, in all the Aspersions that are laid upon him. King James, for the Money destined for the Wars

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Wars in this time, spent in Treaties, &c. And his Majesty can testifie for the things done in his time. And all these; though actions of the King, are imputed to the Duke: Who, if he suffer for obeying his Sovereign, the next attempt will be to call the King to account for any thing he undertakes, which doth not prosperously succeed, as all men would desire it.

**A** If it please his Majesty to remove and set aside all these disadvantages, he shall find the Charge against the Duke very empty, and of small moment: And if his Majesty and the Duke's Grace think it no impeachment to their Honours, all that the Parliament hath objected against the Duke, except two or three things that may receive an Answer, is pardoned at the King's Coronation, which benefit every poor Subject enjoyeth.

**B** May 11. The King came to the Parliament, and spake to the House of Peers, as followeth.

**B** My Lords,

**C** **T**HE Cause, and onely Cause of my coming to you this day, is to express the sense I have of all your Honours; for he that toucheth any of you, toucheth me in a very great measure. I have thought fit to take order for the punishing some insolent Speeches lately spoken. I have been too remiss heretofore in punishing such Speeches as concern my self; not that I was greedy of their Monies, but that Buckingham, through his importunity, would not suffer me to take notice of them, lest he might be thought to have set me on, and that he might come the forwarder to his Tryal. And to approve his innocence, as touching the matters against him, I my self can be a Witnes to clear him in every one of them.

King's Speech concerning the Duke.

**D** I speak not this to take any thing out of your hands; but to shew the reason why I have not hitherto punished those insolent Speeches against my self. And now I hope you will be as tender of my Honour, when time shall serve, as I have been sensible of yours.

And so his Majesty was pleased to depart.

The same day this following Message was brought from the Commons to the Lords, by Sir Nathanael Rich.

**E** **T**H E Commons taking into serious consideration the main Mischiefs and Inconveniences which this renowned Kingdom doth now suffer, threatening apparent danger to the King and Commonwealth, have by search and disquisition into the Causes thereof, found that they do principally flow from the exorbitant Power, and abusive Carriage of the Duke of Buckingham, whereof he hath this Parliament been impeached before their Lordships by the Commons, besides an Accusation of a Peer in their own House, who hath charged him (as they are informed) of High Treason: They therefore with one voice make an entire Declaration, That they hold it a thing of dangerous Consequence both for the present and future times, that a man of so great Eminence, Power, and Authority, being impeached and accused of such high Crimes and Offences, should yet enjoy his

The Commons Message by Sir Nat. Rich, to secure the Duke.

A a a Liberty,

AN. 1626.

Liberty, hold so great a part of the strength of the Kingdom in his hands sit as a Peer in Parliament, and be acquainted with the Counsels thereof, whereby inevitable mischief may suddenly fall upon the Kingdom. Wherefore they have thought it their Duty, to recommend this their unanimous desire to their Lordships, as agreeable to Law and Reason, That they would be pleased forthwith to commit the person of the said Duke to safe Custody.

Whereupon, the Duke made this Speech in the Lords House.

### My Lords,

The Duke's  
Speech against  
the Commons.

**I**F I should hold my Peace, it would argue Guilt; If I should speak, it would argue Boldness, being so foully accused. Your Lordships see what Complaints are made against me by the House of Commons. How well I stood in their Opinions not long since, your Lordships know it. What I have done since to lose their good Opinions, I protest I know not. I cannot so distrust my own Innocency, and my Heart which abhors Guilt, as to decline any Course, or Court of Justice: And had they not brought My Cause to your Lordships, it should have been my own work; and they have done me a Favour to deliver me out of their hands, into your Lordships.

I will not speak any thing to cast dirt at those, who had taken Pains to make me so foul; but to protest my Innocency in that measure, which I shall ever hope to prove, it being before such just Judges. I desire my Trial may be hastned, That I may no longer suffer than I must needs. And now that my Accuser hath not been content only to make my Process, but to prescribe to your Lordships the manner of your Judgment, and to judge me before I am heard, I shall not give way to any of their unjust demands, &c.

The Commons  
discontented  
at the Impris-  
onment of  
their Mem-  
bers.

The Commons upon the Imprisonment of their Members, and the offence taken by the King at the words spoken by those two Gentlemen in impeaching the Duke, resolved to proceed in no other busines, till they were righted in their Liberties, and ordered, that the House be turned into a Grand Committee presently, to sit and consider of the best way and means to effect the same, and that no Member be suffered to go forth. At which time Sir Dudley Carlton observing that unusual, and as he termed it, sullen silence of the House, made this Speech.

Sir Dudley  
Carlton's  
Speech.

**I** Find (by a great silence in this house) that it is a fit time to be heard, if you please to give me the Patience. I may very fitly compare the heaviness of this House unto some of my Misfortunes by Sea in my Travels: for as we were bound unto Marseilles, by oversight of the Mariners we mistook our course, and by ill fortune met with a Sand; That was no sooner over-past, but we fell on another; and having escaped this likewise, we met with a third, and in that we stuck fast. All of the Passengers being much dismayed by this disaster, as now we are here in this House for the loss of those two Members: At last, an old experienced Mariner, upon Consultation, affirmed, That the speediest way to come out from the Sands, was to know how we came there; so, well looking and beholding the Compas, he found " by

" by going in upon such a point, we were brought into that straight ;  
" wherefore we must take a new point to rectifie and bring us out of  
" danger.

" This House of Parliament may be compared to the Ship ; the Sands  
" to our Meslages ; and the Commitment, to the Sands that the Ship  
" did stick fast in ; and lastly, the Compals, to the Table where the Book  
" of Orders doth lye. Then, I beseech you, let us look into the Book where  
**A** " the Orders are, whether the Gentlemen did go no farther than the Or-  
" der did warrant them. If they did not, it is fit that we should defend  
" them whom we employed in our behelts : But if they have exceeded  
" their Commission, and delivered that which they had not warrant for,  
" it is just that we let them suffer for this presumption ; and this our  
" Course will bring us from these Rocks.

" I beseech you Gentlemen, move not His Majesty with trenching up-  
" on his Prerogatives, lest you bring him out of love with Parliaments.

**B** " You have heard His Majesties often Messages to you, to put you for-  
" ward in a Course that will be most convenient. In those Messages he  
" told you, That if there were not Correspondency between him and  
" you, he should be inforced to use new Counsels. Now, I pray you, con-  
" sider what these new Counsels are, and may be : I fear to declare those  
" that I conceive. In all Christian Kingdoms, you know that Parlia-  
" ments were in use antiently, by which their Kingdoms were governed  
" in a most flourishing manner, until the Monarchs began to know their  
" own strength, and seeing the turbulent Spirit of their Parliaments, at  
" length they, by little and little, began to stand upon their Prerogatives,  
" and at last overthrew the Parliaments throughout Christendom, except  
" here only with us.

**D** " And indeed, you would count it a great misery, if you knew the  
" Subject in Foreign Countries as well as my self ; to see them look, not  
" like our Nation, with store of flesh on their backs, but like so many  
" Ghosts, and not Men, being nothing but skin and bones, with some thin  
" cover to their nakedness, and wearing only wooden shooes on their  
" feet ; so that they cannot eat Meat, or wear good Clothes, but they  
" must pay and be taxed unto the King for it. This is a misery beyond  
" expression, and that which yet we are free from : Let us be careful then  
" to preserve the Kings good opinion of Parliaments, which bringeth this  
" happiness to this Nation, and makes us envied of all others, while there  
" is this sweetnes between His Majesty and His Commons ; lest we  
" lose the repute of a Free-born Nation, by turbulency in Parliament.

**E** " For, in my opinion, the greatest and wisest part of a Parliament  
" are those that use the greatest silence, so as it be not opiniatory, or  
" sullen, as now we are by the loss of these our Members that are com-  
" mitted.

**F** " This good Correspondency being kept between the King and his  
" People, will so joyn their love and favour to His Majesty with liking  
" of Parliaments, that his Prerogative shall be preserved entire to Himself,  
" without our trenching upon it ; and also the Priviledge of the Subject  
" (which is our happiness) inviolated, and both be maintained to the  
" support of each other. And I told you, if you would hear me pati-  
" ently, I would tell you what exception His Majesty doth take at those  
" Gentlemen that are committed. You know that Eight Members were  
" chosen to deliver the Charge against the Duke, but there were only  
" six employed for that purpose ; insomuch that there was no exception.

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" As for Sir Dudley Diggs his part, that was the Prologue, and in that " his Majesty doth conceive that he went too far beyond his Commission, " on, in pressing the death of his ever blessed Father in these words, That " he was commanded by the House, concerning the Plaister apply'd to " the King, *That he did forbear to speak further in regard of the King's Honour*, or words to that effect; this his Majesty conceiveth to be to his " dishonour, as if there had been any under-hand dealing by his Majesty, " in applying of the Plaister, and this may make his Subjects jealous of " his doings: In this point his Majesty is assured, that the House did not " warrant him. Now, for that which is excepted against Sir John Elliot, " his over bitterness in the Aggravation upon the whole Charge, and " specially upon some of the heads of it: For, if you please to remember, " when I moved for putting of the St. Peter of Newhaven out of the " Charge against the Duke of Buckingham, and shewed my Reasons for " that purpose, you know how tender Sir John Elliot was of it, as if he had " been a Child of his own, and so careful in the handling thereof by a " Stranger, that he would not suffer it to be touched, though with ne- " ver so tender a hand, for fear it may prove a Changeling: which did " manifest, how specious soever his pretences were, that he had *oculum in Cauda*: And I must confess, I was heartily sorry when he delivered " his Aggravation to the Lords, to see his Tartness against the Duke; " when as he had occasion to name him, he only gave him the Title of " *This man*, and *The man*; whereas the other observed more respect and " modesty in their Charges against so great a Person as the Duke is, con- " sidering, that then he was not convicted, but stood *reitus in Curia*. " Lastly, for pressing the death of his late Majesty, you know that the " Sense of the House concluded, That it is only an Act of Presumption; " nay, some of them expressly said, *Nay, God forbid that I should lay the Death of the King to his Charge*. If he without warrant from the house, " insisted upon the Composition of the Plaister, as if there were *Aliquid latet quod non patet*; This was beyond his Commission from our house, " and this is that which his Majesty doth except against; And this I say, " drew his Majesty, with other insolent Invectives, to use his Regal " Authority in committing them to the Tower.

Sir Dudley Diggs being charged for saying in the matter of applying the Plaister to his late Majesty, *That he did forbear to speak further of that in Regard of the King's Honour*, or words to that Effect; There passed a Protestation of every man in particular for himself; and it was ordered in the House, That they that were sick in the Town, should have three of the House sent to them to take this Protestation likewise.

The Commons  
Protestation,  
touching  
words impu-  
ted to Sir Dud-  
ley Digges.

I Protest before Almighty God and this House of Parliament, That I never gave Consent that Sir Dudley Diggs should speak these Words that he is now charged withal, or any Words to that effect; And I have not affirmed to any that he did speak such Words, or any to that effect.

Sir D. Diggs  
released out of  
prison, protests  
he never spake  
the words  
charged on  
him.

Within few days after, Sir Dudley being released out of Prison, came into the House, and made Protestation concerning the Passage whereat his Majesty had taken offence; That speaking of the Plaister applyed to the Body of the late King, he said, *He would forbear to speak any further of it, in regard of the King's Honour*; he protested, that this was far from his words,

words, and that it never came into his Thoughts. And he gave the House great Thanks for their respect unto him, and said, That he had received from His Majesty a gracious Testimony of his satisfaction.

2 Caroli.

A And the King himself signifieth to the House by the Vice-Chamberlain, That he understood, out of some Notes which were taken at the Conference, that Sir *Dudly Diggs* had spoken the words wherewith he was charged, but now was satisfied that he did not speak them, nor any words to such effect: Nevertheless, the Duke affirmed to the House of Peers, that some words were spoken at this late Conference by Sir *Dudly Diggs*, which so far did trench upon the King's Honour, that they are interpreted Treasonable; and that (had he not been restrained by Order of the House) he would then have reprendered him for the same: He therefore earnestly desired, for that divers constructions have been made of those words, and for that they have been diversly reported, that every B one of the said Reporters would be pleased to produce their Notes taken at the Conference.

The King is satisfied that the words were not spoken.

The Duke dissatisfied.

C This matter was much debated, and the House of Peers often put into a Committee, and reassumed again, but they came to no resolution therein. In fine, these Lords following, (to the number of thirty six) made this voluntary Protestation upon their Honours; That the said Sir *Dudley Diggs* did not speak any thing at the said Conference, which did or might trench on the Kings Honour; and if he had, they would presently have reprendered him for it.

Thirty six  
Lords protest  
they heard  
not the words  
supposed to  
be spoken at a  
Conference.

The Lord President affirmed, That he had reported the words in the same sense they were delivered unto him by the Party himself, and though the connexion of them require to be explained, yet he agreed with the rest of the Lords, for the Parties good meaning, and made the same Protestation.

D

The Lords who Protested were these, *viz.*

*The Earl of Mulgrave.*  
*Earl of Cleveland.*  
*Earl of Westmerland.*  
*Earl of Bullingbrook.*  
*Earl of Clare.*  
*Earl of Denbigh.*  
*Earl of Cambridge.*  
*Earl of Devon.*  
*Earl of Warwick.*  
*Earl of Northampton.*  
*Earl of Bridgwater.*  
*Earl of Montgomery.*  
*Earl of Nottingham.*  
*Earl of Lincoln.*  
*Earl of Essex.*  
*Earl of Hereford.*  
*Earl of Kent.*  
*Earl of Oxon.*

*Lord Grey of Warke.*  
*Lord Noell.*  
*Lord Mountague.*  
*Lord Russel.*  
*Lord North.*  
*Lord Cromwel.*  
*Lord Vaux.*  
*Lord Dudley.*  
*Lord Morley.*  
*Lord Piercy.*  
*Lord Bishop of Sarum.*  
*Lord Bishop of Landaff.*  
*Lord Bishop of Chester.*  
*Lord Bishop of Covent. and Lich.*  
*Lord Bishop of Worcester.*  
*Lord Bishop of Norwich.*  
*Lord Vicount Say and S.*  
*Lord Vicount Rocheford.*

F

Not

An. 1626.



Sir John Elliot  
is released out  
of the Tower.

Is charged by  
Sir Dudley  
Charlton for  
his Speech  
against the  
Duke.

He discharg-  
eth himself.

Not long after, Sir John Elliot also was released out of the Tower, and sent for to come into the House. Then the Vice Chamberlain stood up, and by way of Explanation of his former Speech, said,

" That he intended not to charge him, but to give him an occasion to discharge himself. First, That all the others had used respective words in the Conference; but for the manner of his Speech, he conceived it was too tart and harsh to the Person of the Duke, and that in representing a Character of his mind, by comparing him with a strange Beast, he had out-gone his Commission. Secondly, That contrary to the sense of the House, as if they were ignorant of the return of the Ships out of France, he said, *They say they are come, but I know it not*; when the House knew it full well. That speaking of the Duke, he said, *That man*, which Phrase in all Languages, is accounted a great dignity to Persons of Honour: That he made scandalous comparisons between the Duke and Sejanus, and the Bishop of Ely, which was likewise besides his Charge; That he brake off ambiguously and abruptly with a Sentence of Cicero, as if something else might be which was not yet discovered.

Sir John Elliot thanked the Vice-Chamberlain for dealing so plainly with him, and giving him occasion to clear himself: and to the particulars charged against him, he answered,

" First, considering the Duke's plurality of great and different Offices, together with his deceit and fraud, in perfwading the Merchants to go to Diep, there to entrap them; in colouring the Designs to the King, which he had plotted to serve against those of his Religion; in abusing the Parliament at Oxford; and disguising his purpose, as if the Ships were to go to Rochel. These particulars being so various, and of such a nature, he called by the name of Stellionatus, from a Beast discoloured, uncertain, and doubtful, that they knew not by what name to call it, or by what colour to describe it; and these he called a Character of the mind, because they lie in the heart, and were deceits to abuse the King and Parliament.

" Secondly, as to his saying, *He knew not the Ships were come*; he answered, he did not know it then, and as yet he knew it not, though it was true that he heard it.

" Thirdly, he denied not, that speaking of the Duke, he sometimes used this word, *that man*, though at other times he was not wanting to give him his due Titles; and said, That the Latines, speaking of Cæsar, called him Ille Cæsar, and that the same is usual in all Languages; nor did he think the Duke to be a God.

" Fourthly, he confessed, That he parallel'd him with the Bishop of Ely and Sejanus; and though there were many particular censures of that Bishop, yet he produced none but such as were within the compass of his Charge; nor did he apply the Veneries and Venefices of Sejanus to the Duke, but excluded them.

" Lastly, touching the Physick of the King, he said, he brake off so abruptly in aggravation of the Duke's Offence, who, not content with the injury of Justice, the wrong of Honour, the prejudice of the State, nor that of the Revenue, his attempts go higher, even to the Person of the King, making on that his practice in such a manner, to

" such

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2 Caroli.

"such an effect, that he said, he feared to speak, nay, he doubted to think; in which regard he left it, as *Cicero* did another thing, *Ne gra vioribus, &c.*

A It was then resolved on the Question, That Sir John Elliot hath not exceeded the Commission given him in any thing that passed from him, in the late Conference with the Lords; The like for Sir Dudley Diggs, both passed without a Negative; the like Vote did pass for Mr. Selden, Mr. Herbert, Mr. Glanvile, Mr. Sherland, Mr. Pym, and Mr. Wandesford, who were also Managers at that Conference.

B The King, in the time of this Parliament, had committed the Earl of Arundel to the Tower, but the cause of his Commitment was not expressed; yet it was conceived to be about the Marriage of the Lord Maltravers, the Earls eldest Son, to the young Duke of Lenox, his sister, which was brought about by the contrivance of the Countess of Arundel and the old Dutches of Lenox. The Lords were highly discontented at his commitment in time of Parliament; concerning whose Liberties and their own Priviledges, they had presented several Petitions to his Majesty, but receiving no satisfactory answer thereto, agreed on this ensuing Petition, occasioned by the release of Sir Dudley Diggs,

May it please your Majesty,

C D **T**HE cause that moves us now to attend your Majesty, (as at first we did) is, because we observe that the House of Commons have speedily received a Member of theirs who was committed: We the Peers, ambitious to deserve of your Majesty, and to appear to the ey. of the World as much respected in our Rights and Priviledges as any Peers or Commons have ever been, acknowledging you a King of as much goodness as ever King was; do now humbly beseech that the Earl of Arundel, a Member of our House, may be restored to us; it so much concerning us in point of Priviledge, that we all suffer in what he suffers in this Restraint.

The Lords Petition to the King about the Earl of Arundel, imprisoned in the time of Parliament.

In March last, when the Earl of Arundel was committed, the House of Lords purposed to take the same into their considerations, and so to proceed therein, as to give no just cause of Offence to his Majesty, and yet preserve the Priviledges of Parliament.

E The Lord Keeper of the Great Seal thereupon signified unto the House, that he was commanded to deliver this Message from his Majesty unto their Lordships; viz.

*That the Earl of Arundel was restrained for a misdemeanour which was personal to His Majesty, and lay in the proper knowledge of his Majesty, and had no relation to matters of Parliament.*

Whereupon the House was put into a Committee, and being resuled,

F The Lords Committees for Priviledges, &c. were appointed to search for Precedents concerning the commitment of a Peer of this Realm, during the time of Parliament; and the Lord Chief Justice, Mr. Justice *Doddridge*, and Mr. Justice *Telverton*, were appointed to attend their Lordships in that behalf.

The

The day following the Lord Treasurer delivered another Message from the King, *in hac verba.*

The King's  
Message to the  
Lords touch-  
ing the Earl  
of Arundel.

**W**Hereas upon a Motion made by one of your Lordships, the Lord Keeper did yesterday deliver a Message from his Majesty, that the Earl of Arundel was restrained for a Misdemeanour which was personal to his Majesty, and lay in the proper knowledge of his Majesty, and had no relation to matters of Parliament: His Majesty hath now commanded him to signify to your Lordships, that he doth avow the Message in so far as it was delivered, to have been done punctually according to his Majesties own direction, and he knoweth, that he hath therein done justly, and not diminished the Priviledges of that House.

And because the Committee appointed yesterday to search for Presidents, &c. had not yet made any Report to the House; therefore the directions for this business were suspended for a time.

Not long after, the Earl of Hertford made report to the House, That the Lords Committees for Priviledges met on Monday last; The first Question that arose amongst them was, Whether those Proxies were of any validity, which are deputed to any Peer, who sitteth not himself in Parliament? And it was conceived that those Votes were lost: Whereupon the Committee found this House to be deprived of five Suffrages by the absence of the Earl of Arundel, unto whom they were intrusted: And the Committee finding by the Journal Book that the Sub-Committee which was appointed to search Precedents for Priviledges concerning the Commitment of a Peer in the time of Parliament, had not yet made report to the House: and then considering together their Notes of Precedents whereof they had made search, found, That no one Peer had been committed, the Parliament sitting, without tryal of Judgment of the Peers in Parliament; and that one only Precedent of the Bishop of Winchester, in the Book-Case, in the Thirrd year of Edw. 3. which was here urged, cannot be proved to be in Parliament time; and this the Lords of the Grand-Committee thought fit to offer to the consideration of the House.

The Lords re-  
solved to  
maintain their  
priviledges.

Hereupon the House was moved to give power to the Lords sub-Committees for Priviledges, &c. to proceed in the search of Precedents of the Commitment of a Peer of this Realm during the time of Parliament; and that the Kings Council might shew them such Precedents as they have of the said Commitment; and that the said sub-Committee may make the Report unto the House at the next access.

All which was granted and agreed unto, and these Lords were called unto the said sub-Committee; viz.

*The Lord Treasurer.  
Lord President.  
Duke of Buckingham.  
Earl of Dorset.  
Earl of Devon.*

*The Earl of Clare.  
The Vicount Wallingford.  
Vicount Mansfield.  
Lord North.*

And the Kings Council were appointed to attend the Lords.

The

2 Caro.

The Lord President reported the Proceedings of the said Sub-Committees for Priviledges, &c. upon Commitment of the Earl of Arundel, *viz.*

*That the Kings Council had searched and acquainted the Lords Sub Committees with all that they had found in Records, Chronicles, and Stories, concerning this Matter: Unto which, the said Lords Sub-Committees had given full Answer, and also shewn such Presidents as did maintain their own Rights.*

A The Presidents being read, (which for the length we forbear to mention) It was resolved upon the Question by the whole House, *Nemine dissentiente.*

B *That the Priviledge of this House is, That no Lord of Parliament, the Parliament sitting, or within the usual time of Priviledges of Parliament, is to be imprisoned or restrained without Sentence or Decree of the House, unless it be for Treason or Felony, or refusing to give Surety of the Peace.*

C And it was thereupon ordered, That the said Lords Sub-Committees for Priviledges, &c. or any five of them, shall meet this Afternoon, to consider of a Remonstrance and Petition of the Peers, concerning the Claim of their Priviledges, from Arrests and Imprisonments, during the Parliament. Which was conceived by the Lords Sub-Committees for Priviledges, according to the order of the House, and was read openly, *viz.*

**May it please your Majesty,**

D **W**E the Peers of this your Realm assembled in Parliament, finding the Earl of Arundel absent from his place, that sometimes in this Parliament late amongst us, his Presence was therefore called for: But thereupon a Message was delivered unto us from your Majesty by the Lord Keeper, that the Earl of Arundel was restrained for a Misdemeanor, which was personal to your Majesty, and had no relation to matters of Parliament. This Message occasioned us to inquire into the Acts of our Ancestors, and what in like cases they had done, that so we might not err in any dutiful respect to your Majesty, and yet preserve our right and privilege of Parliament. And after diligent search both of all Stories, Statutes and Records, that might inform us in this case, We find it to be an undoubted right and constant privilege of Parliament, That no Lord of Parliament, the Parliament sitting, or within the usual times of Privilege of Parliament, is to be imprisoned or restrained, without Sentence, or Order of the House; unless it be for Treason or Felony, or for refusing to give Surety for the Peace. And to satisfie our selves the better, we have heard all that could be alledged by your Majesties Council, learned at Law, that might any way weaken or infringe this Claim of the Peers; and to all that can be shewed or alledged, so full Satisfaction hath been given, as that all the Peers of Parliament, upon the Question made of this Priviledge, have, *una Voce*, consented, That this is the undoubted Right of the Peers, and hath inviolably been enjoyed by them.

A Remon-  
strance and  
Petition of the  
Peers, in behalf  
of the Earl of  
Arundel.

E **W**herefore we, your Majesties Loyal Subjects and humble Servants, the whole body of the Peers now in Parliament assembled,

An. 1626. most humblye beseech your Majestie, that the Earl of Arundel, a Member of this Body, may presently be admitted with your Gracious Favor to come, sit, and serve your Majestie and the Commonwealth in the great Affairs of this Parliament. And we shall pray, &c.

This Remonstance and Petition to his Majestie, was approved by the whole House, who agreed, that it should be presented by the whole House to his Majesty; and it was further agreed, that the Lord President, the Lord *Sterward*, the Earl of *Cambridge*, and the Lord Great-Chamberlain should presently go to the King to know his Majesties pleasure when they shall attend him.

These Lords returning, the Lord President reported, that his Majesty had appointed that day, between two and three of the Clock, for the whole House to attend him, with the said Remonstrance and Petition in the Chamber of Presence at *Whitehall*.

And it was agreed, That the Lord Keeper should then read the same to the King, and present it to his Majesty.

The Twentieth of *April*, the Lord President reported the Kings Answer unto the Remonstrance and Petition of the Lords, to this effect:

*That their Lordships having spent some time about this Business, and it being of some Consequence, his Majesty should be thought rash if he should give a sudden Answer thereto; and therefore will advise of it, and give them a full Answer in convenient time.*

The 21 of *April* 1626. It was ordered, that the House should be called on Monday next, being the 24 of *April*.

Which was done accordingly, and the Earl of *Arundel* being called, the Lord Keeper signified unto the House, that his Majesty had taken into Consideration the Petition exhibited by their Lordships the 19 of *April*, concerning the Earl of *Arundel*, and will return an Answer thereunto with all Expedition.

The 2 of *May* it was ordered, that the Lord Keeper should move his Majesty from the House for a speedy and gracious Answer unto the Petition on the Earl of *Arundel's* behalf.

The 4 of *May* 1626. the Lord Keeper signified unto their Lordships, that according to the Order of the 2 of *May*, he had moved his Majesty from the House on the behalf of the Earl of *Arundel*; Who answered,

*It is a Cause wherein he hath had a great deal of Care, and is willing to give their Lordships Satisfaction, and hath it in his Consideration how to do it, and hath been interrupted by other Business, wherein Mr. Attorney hath had occasion of much Conference with him (as their Lordships are acquainted:) But will with all Convenience, give their Lordships Satisfaction, and return them an Answer.*

The 9 of *May* 1626. the House being moved to petition the King, touching the Earl of *Arundel*, certain Lords were appointed to set down the form of the said Petition; who reported the same in Writing as followeth, *viz.*

May

The Kings first Answer to the Remonstrance and Petition.

The King promiseth to answer the said Remonstrance.

The Lords are urgent for an Answer.

The King returns another Answer to the Lords, touching the Remonstrance.

A

B

C

D

E

F

2 Caro.

**M**ay it please your Majesty,

**W**hereas the whole Body of the Peers now assembled in Parliament, did the 19 day of April exhibit to your Majesty an humble Demonstration and Petition concerning the Privilege of Peers in Parliament, and in particular touching the Earl of Arundel, whereupon we received a gracious Answer ; That in convenient time, we should receive a fuller Answer, which we have long and dutifully attended : And now at this time so great a business being in handling in the House, we are pressed by that business to be humbly Suitors to your Majesty for a gracious and present Answer.

**B** Which being read, was approved of by the House, and the said Committee appointed to present the same unto his Majesty from the House, at such time as the Lord Chamberlain shall signifie unto them, that his Majesty is pleased to admit them to his presence.

The 11 of May the Lord President reported the King's Answer to the said Petition.

**C** *That he did little look for such a Message from the House ; That himself had been of the House, and did never know such a Message from the one House unto the other : Therefore, when he received a Message fit to come from them to their Sovereign, they shall receive an Answer.*

**D** The Lord President further Reported, That the Lords Committees appointed to deliver the Petition to the King, did thereupon withdraw, and require him humbly to desire his Majesty to be pleased to let them know unto what point of the said Petition he takes this Exception ; and that his Majesty willed him to say this of himself ; viz.

" The Exception the King taketh, is at the peremptoriness of the Term, *To have a present Answer* ; and the King wonders at their impatience, since he hath promised them an Answer in convenient time.

**E** Hereupon the House altered their former Petition, leaving out the word *Present*, and appointed the former Committee humbly to deliver the same to his Majesty.

The 13 of May, the Lord President reported the King's Answer to the Petition ; viz.

**F** *I*t is true, the word (*Present*) was somewhat strange to his Majesty, because they did not use it from one House to another ; but now that his Majesty knows their meaning, they shall know this from him, that they shall have his Answer so soon as conveniently he can ; And this his Majesty will assure them, it shall be such an Answer, as they shall see will not trench upon the Privileges of the House.

Another Petition to the King, touching the Earl of Arundel.

The King takes Exception at the Petition.

The Lords desire to know of his Majesty, to what part of the Petition he takes Exception.

The Petition presented again, and the word (*present*) left out.

The Kings answer to the Petition so ordered.

A. 1626.

The Lords having agreed on another Petition to the King, wherein they acknowledged him to be a Prince of as much goodness as ever King was.

The 19 of May, the Lord Chamberlain signified to their Lordships, that his Majesty being acquainted therewith, is pleased that this House attend him at two of the Clock this day in the afternoon at Whitehall.

On which day the Lords delivered the Petition to his Majesty; who upon the 20 of May returned this Answer.

A

### My Lords,

The King's  
Answer to the  
Petition.

I See that in your Petition you acknowledge me a King of as much Goodness as ever King was, for which I thank you; and I will endeavour, by the Grace of God, never to deserve other. But in this I observe that you contradict your selves; for, if you believe me to be such, as you say I am, you have no reason to mistrust the Sincerity of my Promises: For, whereas upon often Petitions made by you unto me concerning this business, I have promised to give you a full Answer with all convenient speed; by this again impertaining of me, you seem to mistrust my former Promises: But it may be said, there is an emergent cause, for that I have delivered a Member of the Lower-house.

B

In this, my Lords, by your Favour, you are mistaken, for the Causes do no way agree; for that he that was committed of the House of Commons, was committed for words spoken before both Houses, which being such as I had just cause to commit him; yet, because I found they might be words only misplaced, and not ill meant, and were so conceived by many honest men, I was content upon his Interpretation, to release him, without any Suit from the Lower House: whereas, my Lord of Arundel's Fault was directly against my self, having no relation to the Parliament; yet because I see you are so impatient, I will make you a fuller Answer than yet I have done, not doubting, but that you will rest contented therewith.

C

It is true, I committed him for a cause which most of you know, and though it had been no more, I had reason to do it; yet, my Lords, I assure you, that I have things of far greater Importance, to lay to his Charge, which you must excuse me for, not to tell you at this time, because it is not yet ripe, and it would much prejudice my Service to do it; and this, by the word of a King, I do not speak out of a desire to delay you, but as soon as it is possible, you shall know the cause, which is such as I know you will not judge to be any breach of your Priviledges; for, my Lords, by this I do not mean to shew the Power of a King, by diminishing your Priviledges.

D

This Answer being read, it was ordered, That the Committee for Priviledges should meet, and consider how farther to proceed with due Respect to his Majesty; and yet so, as it may be for the Preservation of the Priviledges of the Peers of this Land, and the Liberties of the House of Parliament.

E

The 24 of May the Lord President reported the Petition agreed on by the Lords Committees for Priviledges, &c. to be presented to the King, which was *in hac verba*.

Another Petition of the  
Lords touch-  
ing the Earl  
of Arundel.

May

May it please your most Excellent Majesty,

2 Caro.

**A** **W** hatever our care and desire is to preserve our right of Peers, yet it is far from our thoughts either to distrust, or to press any thing that stands not with the affection and duty of most dutiful and loyal Subjects: And therefore, in all Humility we cast ourselves before your Majesty, assuring our selves in the word of a King, that with all convenience possible, your Majesty will please either to restore the Peer to his place in Parliament, or express such a cause as may not infringe our Priviledges.

**B** The Petition was generally approved, and ordered to be presented to His Majesty by the whole House; and the Earl of *Carlisle* and the Lord *Carlton* to go presently to know the King's Pleasure when they shall attend his Majesty. Who being returned, reported; That his Majesty hath appointed that Afternoon at two of the Clock for the same.

The 25 of May, the Lord Keeper delivered the King's Answer unto the said Petition, to be read, *in hæc verba, viz.*

*My Lords,*

**C** "Y Our often coming to me about this matter, made me somewhat doubt you did mistrust me; but now I see you rely wholly on me, I assure you, it shall prevail more upon me than all importunities; And if you had done this at first, I should have given you content. And now I assure you, I will use all possible speed to give satisfaction, and, at the farthest, before the end of this Session of Parliament.

The King's Answer to this Petition.

**D** This being read, the House was moved the second time, That all Businesses might be laid aside, and that Consideration might be had how their Priviledges may be preserved unto Posterity. And the House was put into a Committee for the freer Debate thereof, and afterwards resumed: And it was ordered, That the House be Adjourned till to morrow, and all Businesses to cease.

The Lords adjourn in disgust till the morrow.

The 26th of May, the Lord Keeper delivered his Message from the King to the House of Lords, *viz.*

**E** "T hat his Majesty hath willed him to signifie unto their Lordships, that he doth marvel his meaning in his last Answer should be mistaken: and for the better clearing of his intention, hath commanded him to signifie unto their Lordships his further Answer, which is, That their Lordships last Petition was so acceptable to his Majesty, that his intent was then, and is still, to satisfie their Lordships fully in what they then desired.

His Majesties Message to the Lords.

Whereupon it was ordered, That all businesses be Adjourned till that day sevennight.

**F** At the same time the Duke of *Buckingham* signified unto their Lordships his desire to have the King's Counsel allowed him to plead his cause: But the Lords would not hear him, because they would entertain no business: And so the House was Adjourned to the second of June. At which time the House sitting again, the Lord Keeper delivered this Message from the King to the House of Lords, *viz.*

Upon this Message the Lords Adjourn for a sev'n-night.

" His

An. 1626.  
 Another Message to the  
 Lords from his Majesty,  
 concerning the  
 Earl of Arun-  
 del.

**H**IS Majestie hath Commanded me to deliver unto your Lordships a Message touching the Earl of Arundel; That his Majesty hath thought of that Business, and hath advised of his great and pressing Affairs, which are such, as make him unwilling to enter into dispute of things doubtful: And therefore to give you clear Satisfaction touching that cause, whereby you may more cheerfully proceed in the Business of the House, he hath endeavoured, as much as may be, to ripen it, but cannot yet effect it; but is resolved, that at the farthest, by Wednesday seven-night, being the fourteenth of June, he will either declare the Cause, or admit him to the House. And addeth further, upon the Word of a King, That if it shall be sooner ripe, which he hath good Cause to expect, he will declare it at the soonest. And further, That if the occasion doth enforce to stay to the time prefixed, yet he doth not purpose to set such a short end to the Parliament, but that there shall be an ample and good space between that and the end of the Sessions, to dispatch Affairs.

The Lords ad-  
 journ again.

This Message being delivered, the House was Adjourned *ad libitum*, and put into a Committee; and being resumed, it was agreed, That all Businesses should cease, but this of the Earl of Arundel's, concerning the Priviledges of the House; and the House to meet thereon to morrow morning, and to be put into a Committee to consider thereof. And so the House was adjourned to the next day.

Then the Lord Keeper delivered this Message from the King, *viz.*

Another Mes-  
 sage from the  
 King to the  
 Lords con-  
 cerning the  
 Earl of Arun-  
 del.

**T**HAT in the matter concerning the Earl of Arundel, his Majesty hath been very careful and desirous to avoid all Jealousie of violating the Priviledges of this House; that he continueth still of the same mind, and doth much desire to find out some Expedient, which may satisfie their Lordships in point of Priviledge, and yet not hinder his Majesties Service in that particular. But because this will require some time, his Majesty, though his great Affairs are urgent and pressing, is unwilling to urge their Lordships to go on therewith, till his Majesty hath thought on the other: And therefore, hath commanded him to signifie his Pleasure, That his Majesty is contented, their Lordships adjourn the House till Thursday next; and in the mean time his Majesty will take this particular Business into further Consideration.

Hereupon the Lords agreed, That the Lord Keeper do render unto his Majesty from the House, their humble Thanks for his gracious Respect unto their Priviledges.

Then the Lord Keeper demanded of the Lords, whether their Lordships would adjourn the House till Thursday next; Whereupon it was agreed by the Lords, and the House was so adjourned.

On Thursday June 8. the Lord Keeper delivered this Message to the Lords from his Majesty, *viz.*

That

2 Caroli.

Another Message to the  
Lords from  
his Majesty.

A **T**HAT on Saturday last his Majesty sent word to the House, That by this day he would tend them such an answer concerning the Earl of Arundel, as should satisfie them in point of Priviledge. And therefore to take away all dispute, and that their Priviledges may be in the same Estate as they were when the Parliament began, his Majesty hath taken off the Restraint of the said Earl, whereby he hath liberty to come to the House.

B The Earl of Arundel being returned to the House, did render his humble Thanks unto his Majesty, for his gracious Favour towards him; and gave their Lordships also most hearty thanks for their often Intercessions for him unto the King, and protested his Loyalty and faithful Service unto his Majesty.

C Much about this time, *Mr. Moor*, a Member of the House of Commons, having spoken some words which seemed to reflect upon his Majesty, they were reported to the House, *viz.* That he said, *We were born free, and must continue free, if the King will keep his Kingdom:* Adding these words, *Thanks be to God, we have no occasion to fear, having a just and pious King.* The House for these words committed *Mr. Moor* to the Tower of London; and his Majesty shortly after sent a message, That he had passed by his Offence. Whereupon he was released.

D C While the Duke stood charged in the Parliament, the Chancellorship of Cambridge became void by the death of the Lord Howard, Earl of Suffolk, who dyed on Whitunday the 28 of May 1625. The University having understood by several hands, that it was the Kings express Will and Pleasure, that the Duke should be chosen in his stead, were ambitious and forward to express their Obedience to his Majesty in that behalf; well knowing, that in regard of their multitude, and worthy Judgment and Wisdom, that is esteemed and ought to be in those Electors, this was one of the most honourable Testimonies of worth and Integrity, that the Nation can afford: And that whereas all other the Dukes Honours did but help the rather to sink him with their weight, this would seem to shore and prop him up.

E Letters were pretended to be sent from his Majesty, to the intent to disincourage all Opposers: But though the Pretence of Letters served mainly to effect their ends, yet the producing of them would have prejudiced the chief intendment of the Election, namely, the honour of the Testimony in it; which chiefly lying in the Freedom of the Votes, had by Letters been cut off. Many Heads of Houses bestirr'd themselves according to their several Power and Interest in their respective Societies; and Trinity Colledge alone (the Master whereof was Dr. Maw, one of the Kings Chaplains) supplied the Duke with Forty three Votes, the third part of those which served the Turn; for, he had in all, One hundred and eight.

F He was chosen the Thursday following the Death of his Predecessor, namely, the fourth day after the Vacancy, notwithstanding fourteen days are allowed by the University Statute. His chief Strength consisted in the Doctors, (whereof seventeen were for him, and only one against him) and in the Non-Regents, who are Masters of Art of five years standing and upward: Among the Regents (who are Masters under five years) thirty more were against him than for him, and four whole Colledges were

The Earl of Arundel released, comes to the House.

The Duke chosen Chancellor of Cambridge, during his Impeachment.

An. I 626.

were entire against the Duke. For notwithstanding all the Industry that could be employed on his behalf, there was a Party so diligent and resolute, that the same morning the choice was made, they joyntly pitch'd upon the Lord *Thomas Howard*, second Son to the late deceased Chancellor, and Earl of *Berkshire*; though they had no Head appearing for him, nor one man in the University that was known to have any reference to him, excepting one Mr. *Granado Chester*, who was either his Chaplain, or otherwise interested in him: And notwithstanding all disadvantages, they lost it for the said Earl but by five Voices, for the Duke had but One hundred and eight, and the Earl had one hundred and three, besides that two of the Dukes were void by Statute, as being given to the Vice-Chancellor by com-promise, to dispose of as he should think fit.

The Earl of *Berkshire* being afterwards acquainted with the Intentions of the University towards him, wrote this Letter to Mr. *Chester*, a Divine related to his Lordship.

B  
Mr. C H E S T E R,

The Earl of  
*Berkshire's Letter*  
to Mr.  
*Chester*, touch-  
ing Votes, con-  
ferred upon  
him in the  
Choice of the  
Chancellor of  
*Cambridge*.

A  
**T**HE infinite Obligation which I owe to the University of Cambridge, for the late most ample Testimony of their great love and Affection towards me, imboldens me to borrow your help, to make known unto them my unfeined Thankfulness: wherein I confess, that the love and favour which they have expressed unto me, joyned with the Fashion of it, doth far exceed the weak expression of so feeble a Stile as mine is. For they have been pleased out of their abundant affection, to name me to one of the greatest Honours of this Kingdom, without any suit or means of mine, which was the Chancellorship of the University: The voting whereof in this noble fashion, I account it as much as could befall me; and do receive it with as much Thankfulness, as if I were in full possession of the Place.

I must therefore intreat you to disperse this my thankful Acknowledgment to all my worthy Friends there, who have so freely bestowed their Voices, and unsought for Favours upon me. And this labour I do the rather lay upon you because you know I put you to no making means for me; which I should undoubtedly have done, if I had preconceived any Intention of standing for this Dignity, so often wedded by men of high places, and Noble Families of this Realm; whereof my honoured Father deceased, enjoyed the last Testimony, and my Uncle before him; and not ceasing there, it was expressed to me by an hereditary Affection: Thus much I pray you make known for me, with this further Assurance, That as I had my first Breeding, to my great Honour, in Cambridge, so I will live and dye

C  
The true Servant of the University.D  
S. James, 2 Junii 1626.E  
Berkshire.

F  
The Commons being informed of the aforesaid Proceedings in *Cambridge*, directed a Letter to be written to that University, to signify the Houses dislike thereto. Whereupon the King signifieth to the House his pleasure by Sir *Richard Weston*, that they forbear to send any such Letter, for that the Election had been made by the power of the Charters, according to the Rules and Liberties of the University; and that if there have been any Error in the form of the Election, it belongeth unto his Majesty to examine and reform it, and not unto the House. To which Message, the Commons return this Answer.

“ That

A **T**HAT they do acknowledge they were about to write to the University, because that the very Election it self, whereby the University is committed to the Government of one that is charged, and publickly complained of by the Commons in Parliament, whereof the Electors are a part, is, in it self, a very great Grievance, and prejudicial in example; whereof they have Reason to be the more sensible, because they are informed, that in the manner of the Election there were many passages likewise done in contempt of the House: And do humbly beseech his Majesty to believe, That neither in this, nor any other thing, this House did or shall intend to enlarge their own Power and Jurisdiction, to the Diminution of his Majesties Right or Prerogative.

*2 Caroli.  
The Com-  
mons Answer.*

Whereunto his Majesty replied by the said Sir Richard Weston.

B **H**IS Majesty saith, That Cambridge and all Corporations, derive their right and priviledge from him; and that he hath reason to esteeme the Universities above any other, and is resolved to defend them against any, which either wilfully, or by chance, shall go about to infringe their Liberties. Concerning the Election it self, his Majesty is far from conceiving it a grievance; for he never heard that Crimes objected, were to be taken as proved; or, that a man should lose his Fame or good opinion in the World, upon an Accusation only.

*His Majesties  
Reply.*

C "But whereas you say in the manner of carriage of the Election, there were many passages done in it to the Contempt of the House. His Majesty is well pleased, that you enquire and punish the Offenders, if there be any, that have mis-behaved themselves in that respect. But for the Election it self, or the form of, it his Majesty doth avow his first Message.

D The Duke returned this Acknowledgment to the University.

E **M**After Vice-Chancellor, and Gentlemen of the University of Cambridge, There is no one thing that concerneth me more near, than the good opinion of Good and Learned honest men: Amongst which number, as you have ever held the first rank in the Estimation of the Commonwealth, and Fame of the Christian World; so in conferring this honour of Chancellorship upon me, I must confess you have satisfied a great Ambition of mine, which I hope will never forsake me; and that is, To be thought well of by Men that deserve well, and men of your Profession. Yet I cannot attribute this Honour to any desert in me, but to the respect you bear to the Sacred Memory of my Master deceased, the King of Scholars, who loved you, and honoured you often with his Presence, and to my Gracious Master now living; who inherits, with his blessed Fathers Virtues, the Affection he bore to your University.

*The Dukes  
Letter of Ac-  
knowledg-  
ment to the  
University of  
Cambridge.*

F I beseech you, as you have now made your Choice with so many kind and noble Circumstances, as the manner is to me as acceptable and grateful as the Matter; so to assure your selves, That you have cast your Votes upon your Servant, who is as apprehensive of the time you have shewed your Affection in, as of the Honour you have given him.

An. 1626.

And I earnestly request you all, that you would be pleased, not to judge me comparatively by the success and happiness you have had in your former choice of Chancellors; who as they know better perhaps by advantage of Education in your University, how to value the deserts of men of your Qualities and Degrees, so could they not be more willing to cherish you than my self, who will make amends for my want of Scholarship, in my Love to the Professors of it, and to the source from whence it cometh; having now most just cause more chiefly to employ my utmost Endeavours, with what favour I enjoy from a Royal Master, to the maintaining of the Charters, Priviledges, and Immunities of your University in general, and to the advancing of the particular Merits of the Students therein.

And since I am so far engaged to you, I will presume upon a further Courtesie, which is, That you will be pleased to supply me with your Advice, and suggest a way unto me (as my self likewise shall not fail to think on some means) how we may make Posterity remember you had a thankful Chancellor, and that both really loved you and your University. Which is a Resolution writ in an honest heart, by him that wanteth much to express his affection to you, who will ever be

Your faithful Friend  
and humble Servant

George Buckingham.

Also the King was pleased to write to the University of Cambridge, in approbation of the said Election.

Truly and well-beloved, We greet you well.

The King's  
Letter to the  
said Universi-  
ty.

**W**Hereas upon Our Pleasure, intimated unto you by the Bishop of Durham, for the choice of your Chancellor, you have with much duty, as We expected, highly satisfied Us in your Election; We cannot in our Princely Nature (who are much possessed with this Testimony of your ready, and Loyal Affections) but for ever let you know, how much you are therein made Partakers of our Royal Approbation. And as we shall ever conceive, that an Honour done to a Person We favour, is out of a Loyal Respect had unto Our self: And as we shall ever justify Buckingham worthy of this your Election, so shall you find the Fruits of it. For We that have found him a faithful Servant to Our dear Father of Blessed Memory, and Our self, cannot but undertake that he will prove such an one to you; and will assist him with a Gracious Willingness in any thing that may concern the Good of the University in general, or the particular Merits of any Students there.

Given under Our Signet at Our Palace of Westminster the Sixth  
of June, in the Second year of Our Reign.

June 8. Before the Duke gave in his Answer on that day, unto the House of Peers, to the Impeachment of the House of Commons, he made this ensuing Speech.

May

2 Caroli.

My Lords,

The Duke of  
Buckingham's  
Speech to the  
Lords House  
before he gave  
in his Answer.

A     “ **I**N a case of pressure considered by it self, I have a fair beginning, it  
“ is a due debt to your Lordships for this honourable Favour, in lea-  
“ ving it to my choice, whether I would answer to the particulars  
“ in the Aggravation, or not. I may, without lessening my Obligation,  
“ say, The favour is greater at first, it may be yours, or your Posterities  
“ hereafter. I have in a manner tied my self to my charge, hoping I gave  
“ your Lordships satisfaction in that, the Aggravations being composed  
“ of words, which I hope my actions have not deserved; and I am sure,  
“ my Ears have not been made acquainted with, without some distra-  
“ ction of spirit; yet I have left nothing of them unanswered that is ma-  
“ terial. I have used as much speed to come to an answer, as convenient-  
B     “ ly I could without prejudice of my cause, having my Reputation too  
“ long upon the stage; ad had your Lordships called for it sooner, I had  
“ been as ready as now I was desirous, to detain your Lordships as little  
“ as may be (with the expectation of my particular) from weightier  
“ Businels.

C     “ I was also grieved that my business should be a cause of the loss of  
“ this year from foreign Attempts, and the hindrance of those resolu-  
“ ons that would have comforted our Friends abroad, and secur'd our  
“ selves at home: But in this my Lords, I am sure, you will easily acquit  
“ me in your thoughts. When I look upon my Charge in general (as  
“ they did) without searching into the integrity of mine own heart and  
“ actions, which are yet unknown to most of them, I wonder not so much  
“ at their proceedings, the particulars not being voted against me, nor  
“ unanimously; but had they taken the means to have been better and  
“ trulier informed of the particulars, or have given me cause to have in-  
“ formed them, I assure my self, they had not troubled your Lordships  
D     “ with this Charge: But I confess there hath been that contestation in  
“ the House of Commons, concerning my Justification, that I cannot  
“ but acknowledge much favour there from many. And if the Actions  
“ of some others in that House, do not conclude me of a worse Disposi-  
“ tion than I shall hereafter be found, there is none but may say with  
“ me, *I am at Peace with all.*

E     “ I shall only for the present, apply my self to the clearing of my Re-  
“ putation, and for the future, of those Actions and Endeavours which  
“ may re-possess me of that I have counted one of my greatest Losses,  
“ their good Opinions; I would not speak nor profess this before your  
“ Lordships, if Reason and my own Disposition did not warrant the  
“ performance of it.

F     “ For first, Who accused me? Common Fame. Who gave me up to  
“ your Lordships? The House of Commons.

“ The one is too subtle a Body, if a Body; the other too great for  
“ me to contest with: And I am confident, when my Cause shall be  
“ tryed, neither the one or the other, or part of either, will be found  
“ to be my Enemy.

“ But as Fame is subtle, so it is often and especially in Accusations,  
“ false; therefore the House of Commons have not wronged me: Yet  
“ I am confident, it will at length be found, that Common Fame hath  
“ abused both them and me.

An. 1626.

" I presume the House of Commons have proceeded against me out  
 " of an hearty and zealous Affection, to do their King and Country Ser-  
 " vice, I hope out of Christian Charity to punish and amend my faults,  
 " (if Fame could have proved them) and not to envy my Reputation, or  
 " destroy my Fortune. I shall never call such proceedings wrong, if  
 " seeking to cure my errors, give me opportunity to clear and publish  
 " my Innocency : For the State it self, I have little to say, it is but a lit-  
 " tle, I will not abuse your Lordships patience. I was born and bread  
 " in it, I owe it my self ; I have been raised to Honours and Fortunes  
 " in it (I freely confess) beyond my Merits ; what I wanted in Suffici-  
 " ency and Experience for the Service of it, I have endeavoured to sup-  
 " ply by Care and Industry.

" And could there be the least alienation hereafter in my heart from  
 " the Service of the State, for any thing that hath past, I should be the  
 " ungratefulst man living ; should but such a thought stain my heart  
 " I should be content it were let blood. If my Posterity should not in-  
 " herit the same Fidelity, I should desire an Inversion in the Course of  
 " Nature, and be glad to see them earthed before me. My Answer to  
 " the several points in Charge, I shall crave leave to deliver in brief,  
 " and in form of Law, but as naked as Truth loves to be ; and so I leave  
 " my Self and my Cause to your Lordships Justice.

*The humble Answer and Plea of George, Duke of  
 Buckingham, to the Declaration and Impeach-  
 ment made against him, before your Lordships, by  
 the Commons House of Parliament.*

His Answer  
 and Plea to the  
 Impeachment  
 of the House of  
 Commons.

**T**HE said Duke of *Buckingham* being accused, and sought to be im-  
 peached before your Lordships, of the many Misdemeanors, Mis-  
 prisions, Offences, and Crimes, wherewith he is charged by the  
 Commons House of Parliament, and which are comprised in the Articles  
 preferred against him, and were aggravated by those, whose Service  
 was used by that House in the delivery of them, doth find in himself an  
 unexpressible pressure of deep and hearty sorrow, that so great and so  
 worthy a Body should have him suspected of those things which are ob-  
 jected against him ; whereas, had that Honourable House first known  
 the very truth of those particulars, whereof they had not there the  
 means to be rightly informed, he is well assured in their own true  
 Judgments, they would have forbore to have charged him therewith.

But the integrity of his own Heart and Conscience, being the most  
 able and most impartial Witnesses, not accusing him of the least thought  
 of disloyalty to his Sovereign, or to his Country, doth raise his spirits a-  
 gain to make his just defence before your Lordships, of whose Wisdom,  
 Justice, and Honour, he is so well assured, That he doth, with confidence,  
 and yet with all Humbleness, submit himself and his cause to your Ex-  
 aminations and Judgments, before whom he shall with all Sincerity  
 and clearness, unfold and lay open the secrets of his own Actions, and  
 of his Heart ; and in his Answer, shall not affirm the least Substantial,  
 and as near as he can, the least Circumstantial point, which he doth not  
 believe he shall clearly prove before your Lordships.

The

The Charge consisteth of Thirteen several Articles, whereunto the Duke, saving to himself the usual benefit of not being prejudiced by any words or want of form in his Answer; but that he may be admitted to make further Explanation and Proof, as there shall be occasion, and saving to him all Priviledges and Rights belonging to him, as one of the Peers of the Realm, doth make these several and distinct Answers following, in the safne order they are laid down unto him.

A

*The Charge touching the Plurality of Offices.*

His Charge  
touching Plu-  
rality of Offi-  
ces.

To the first which concerneth the Plurality of Offices which he holdeth, he answereth thus, That it is true that he holdeth those several Places and Offices, which are enumerated in the Preamble of his Charge, whereof, only three are worthy the name of Offices, *viz.* The Admiralty; the Wardenship of the Cinque-Ports, and Mastership of the Horse; the other are rather titulary and Additions of Honour. For these Offices he humbly and freely acknowledgeth the bounty and Goodness of his most gracious Master who is with God; who when he had cast an Eye of Favour upon him, and had taken him into a more near place of Service about his Royal Person, was more willing to multiply his Graces and Favours upon him, than the Duke was forward to ask them; and for the most part (as many honourable persons, and his now most excellent Majesty, above all others, can best testify) did prevent the very desires of the Duke in asking: and all these particular places, he can and doth truly affirm, his late Majesty did bestow them of his own Royal Motion (except the Wardenship of the Cinque-Ports only) and thereto also he gave his Approbation and Encouragement.

D  
And the Duke denyeth, that he obtained these places either to satisfie his exorbitant Ambition, or his own profit or Advantage, as is objected against him: And he hopeth he shall give good Satisfaction to the contrary, in his particular Answers ensuing, touching the manner of his obtaining the places of the Admiralty, and the Wardenship of the Cinque-Ports, whereunto he humbly desireth to refer himself. And for the Mastership of the Horse to his Majesty, he saith, it is a mere domestick Office of attendance upon the Kings person, whereby he receiveth some Profit; yet but as a Conveniency to render him more fit for his continual Attendance; and in that place, the times compared, he hath retrenched the Kings annual Charge to a considerable value, as shall be made apparent.

E  
And for the number of places he holdeth, he saith, That if the Commonwealth doth not suffer thereby, he hopeth he may without blame, receive and retain that, which the liberal and bountiful hand of his Master hath freely conferred upon him: And it is not without many Presidents, both in ancient and modern times, That one man eminent in the Esteem of his Sovereign, hath at one time held as great and as many Offices: But when it shall be discerned, that he shall falsly or corruptly execute those places, or any of them, or that the Publick shall suffer thereby; he is so thankful for what he hath freely received, that whensoever his Gracious Master shall require it, without disputing with his Sovereign, he will readily lay down at his Royal Feet, not only his Places and Offices, but his whole Fortunes and his Life, to do him Service.

For

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His Charge  
touching his  
buying the  
Admirals  
place.

*For his buying of the Admirals place, the said Duke maketh this  
clear and true Answer.*

That it is true, that in January, in the sixteenth year of his late Majesties Reign, his late Majesty did by his Letters Pattents under the Great Seal of England grant unto the Duke the Office of Admiralty for his life; which Grant, as he well knoweth it, was made freely and without any Contract or Bargain with the late Lord Admiral, or any other; and upon the voluntary Surrender of that noble and well-deserving Lord, so he is advited it will appear to be free from any defect in Law, by reason of the Statute of 5 Edw. 6. mentioned in the Article of his Charge, or for any other cause whatsoever: For he saith, the true manner of his obtaining this Office, and of all the passages thereof, which he is ready to make good by Proof, was thus; That honourable Lord, the late Earl of Nottingham, the Lord Admiral, being grown much in years, and finding that he was not then so able to perform that which appertained to his place, as in former times he had done to his great honour; and fearing lest his Majesties Service, and the Commonwealth might suffer by his defect, became an humble and earnest Petitioner to his late Majesty, to admit him to surrender his Office. His late Majesty was at the first unwilling unto it, out of his Royal Affection to his person, and true Judgment of his worth: But the Earl renewed his Petitions, and in some of them, nominated the Duke to be his Successor, without the Dukes privity or fore-thought of it. And about that time, a Gentleman of good place about the Navy, and of long experience, of himself came to the Duke, and earnestly moved him to undertake the place. The Duke apprehending the weight of the place, and considering his young years, and want of Experience to manage so great a charge, gave no ear unto it; but excused it, not for form, but really and ingenuously out of the apprehension of his then unfitness for it. The Gentleman not thus satisfied, without the Duke applied himself to the late King, and moved his Majesty therein, and offered Reasons for it, That the Duke was the fittest man at that time, and as the State of the Navy then stood, for that place, for he said, it was then a time of Peace. That the best service that could be done for the present, was to repair the Navy and Ships Royal, which then were much in decay, and to retrench the Kings charge and to employ it effectually; and that before there was like to be personal use of Service, otherwise the Duke being young and active, might gain experience, and make himself as fit as any other; and that in the mean time, none was so fit as himself, having the opportunity of his Majesties Favour and means to his Person, to procure a constant assignment and payment of Moneys for the Navy; the want whereof, was the greatest Cause of the former defects.

These Reasons persuaded his late Majesty, and upon his Majesties own motion, persuaded the Duke to take the Charge upon him: And thereupon, the Earl voluntarily, freely, willingly, and upon his own earnest and often Suit, surrendered the place without any President, Contract, or Promise whatsoever; which might render the Duke in the least degree subject to the danger of the Law (which was not then so much as once thought upon) and upon that Surrender, the grant was made to the Duke. But it is true, That his Majesty out of his Royal Bounty, for recompence of the long and faithful Service of the said Earl, and for an honou-

honourable memory of his deserts to him. And the Crown of *England*, did grant him a Pension of one thousand pounds *per annum*, for his life ; which in all Ages hath been the Royal way of Princes, wherewith to reward ancient and well-deserving Servants in their elder years ; when without their own faults they are become less serviceable to the State : And the Duke also voluntarily and freely, and as an argument of his noble Respect towards so honourable a Predecessor, whom to his death he called Father, whose Estate as he then understood, with his late Majesties privity and approbation, did send him three thousand pounds in money, which he hopeth no person of worth and honour, will esteem to be an act worthy of blame in him. And when the Duke had thus obtained this place of great trust, he was so careful of his duty, that he would not relieve upon his judgment or ability, but of himself humbly besought his then Majestie, to settle a Commission of fit and able persons for the Affairs of the Navy ; by whose Council and Assistance, he might manage that weighty business with the best advantage for his Majesties Service ; which Commission was granted, and yet continueth, and without the Advice of those Commissioners, he hath never done any thing of moment ; and by their advice and Industry, he hath thus husbanded the Kings money, and furthered the Service, that where before the ordinary Charge of the Navy was Fifty four thousand pounds *per annum*, and yet the Ships were very much decayed, and their provisions neglected, the charge was returned to Thirty thousand pounds *per annum*, and with that charge, the Ships all repaired and made serviceable, and two new Ships builded yearly ; and for the two last years, when there were no new Ships built, the ordinary charge was reduced to Twenty one thousand six hundred pound *per annum*. And now he dare boldly affirm, that his Majesties Navy is in better state by much, than ever it was in any precedent time whatsoever.

*For his buying of the Wardenship of the Cinque-Ports, he maketh this plain, ingenuous, and true Answer.*

That in December, in the two and twentieth year of his late Majesties Reign, he obtained the Office of Lord Warden of the Cinque-ports, and Constable of the Castle of Dover, (being one entire Office) upon the Surrender of the Lord *Zouch*, then Lord Warden.

The manner of obtaining whereof, was thus, The Lord *Zouch* being grown in years, and with his almost continual lameness, being grown less fit for that place, he discovered a willingness to leave it, and made several offers thereof to the Duke of *Richmond*, and *Richard Earl of Dorset*, deceased ; but he was not willing to part with it, without Recompence. Notice whereof coming to the Duke, by an offer made from the Lord *Zouch*, he finding by experience how much, and how many ways both the Kings Service might and many times did suffer ; and how many Inconveniences did arise to the Kings Subjects, in their Goods, Ships, and Lives, by the intermixture of the Jurisdictions of the Admiralty and Wardenship of the Cinque-ports, by the emulation, disaffection, and contention of their Officers, as clearly appear by these particulars, amongst many others which may be instanced.

The Charge  
touching his  
buying the  
Wardenship of  
the Cinque-  
Ports,

i. Where the Admiral-Jurisdiction extends generally to all the Narrow Seas ; the Warden of the Cinque-ports hath and exerciseth Admiral-Jurisdiction on all the Sea-Coasts, from *Show-Beacon* in *Essex*, to

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to the Red Noor in *Sussex*; and within those Limits there have been continual differences between the Lord Admiral and the Lord Warden, whether the Lord Wardens Jurisdiction extends into the main Sea, or only as far as the low Water marke, and so much further into the Sea, as a man on Horse-back can reach with a Launce, which occasioneth Questions between those chief Officers themselves.

2. There are many and continual differences in executing of Warrants against Offenders: the Officers of the one, refusing to obey or assist the Authority of the other; whereby the Offenders protected or countenanced by either, easily escape. A

3. Merchants and Owners of Goods questioned in the Admiralty, are often enforced to sue in both Courts, and often enforced, for their peace, to compound with both Officers.

4. The Kings Service is much hindred; for the most usual and ordinary Rendevouz of the Kings Ships, being at the *Downs*, and that being within the Jurisdiction of the Lord Warden, the Lord Admiral or Captains of the Kings Ships, have no power or warrant to press men from the Shore, if the Kings Ships be in distress. B

5. When the Kings Ships, or others, be in danger on the *Goodwins*, and other places within the view of the Portsmen, they have refused to help with their Boats, lest the Kings Ships should command them on board, whereby many Ships have perished, and much Goods have been lost.

6. When Warrants come to press a Ship at *Road* for the Kings Service, the Officers take occasion to disobey the Warrants, and prejudice the Kings Service. For if the Warrant come from the Lord Warden, they will pretend the Ship to be out of their Jurisdiction; if the Warrant come from the Lord Admiral, they will pretend it to be within the Jurisdiction of the Cinque-Ports: And so whilst the Officers dispute, the opportunity of the Service is lost. C

7. When the Kings Ships lie near the Ports, and the men come on shore, the Officers refuse to assist the Captains to reduce them to the Ships, without the Lord Wardens Warrant. D

8. If the Kings Ships, on the sudden, have any need of Pilots for the Sands, Coasts of *Flanders*, or the like, wherein the Ports-men are best experienced, they will not serve without the Lord Wardens, or his Lieutenants Warrant, who perhaps are not near the place.

9. When for great occasions for the Service of the State, the Lord Admiral and Lord Warden must both joyn their Authority; if the Officers for want of true understanding of their several Limits and Jurisdictions, mistake their Warrants, the Service, which many times can endure no delay, is lost, or not so effectually performed. E

For these and many other Reasons of the like kind, the Duke not being led, either with ambition or hope of profit, as hath been objected, (for it could be no increase of honor to him, having been honored before with a greater place; nor of profit, for it hath not yielded him in any matter any profit at all, nor is like to yield him above 300 pounds *per annum* at any time) but out of his desire to make himself the more able to do the King and Kingdom Service, and prevent all differences and difficulties which heretofore had, or hereafter might hinder the same. He did entertain that motion, and doth confess, that not knowing, or so much as thinking of the said Act of Parliament before mentioned, he did agree to give the said Lord one thousand pounds in money, and five hundred

A hundred pounds per annum, in respect of his Surrender, he not being willing to leave his Place without such consideration, nor the Duke willing to have it without his full satisfaction; and the occasion why the Duke of *Buckingham* gave that consideration to the Lord *Zouch*, was, because the Duke of *Richmond* in his life-time had first agreed to give the same consideration for it; and if he had lived, he had had that Place upon the same terms: And when the said Duke of *Richmond* was dead, his late Majesty directed the Duke of *Buckingham* to go through for that Place, and for the Reasons before mentioned, to put both these Offices together, and to give the same consideration to the said Lord, which the Duke of *Richmond* should have given, and his late Majesty said, he would repay the money. And how far this act of his, in acquiring this Office, accompanied with these Circumstances, may be within the danger of the Law, the King being privy to all the passages of it, and encouraging and directing it, he humbly submitteth to your judgment; and he humbly leaves it to your Lordships judgments, in what third way an antient Servant to the Crown, by age or infirmity, disabled to perform his Service can in an honourable course relinquish his Place; for if the King himself give the Reward, it may be said it is a charge to the Crown; if the succeeding Officer gave the Recompence, it may thus be objected to be within the danger of the Law: And whosoever it be, yet he hopeth it shall not be held in him a Crime, when his intentions were just and honourable, and for the futherance of the King's service; neither is it without president, that in former times of great employment, both these Offices were put into one hand by several Grants.

D To this Article, whereby the not guarding of the Narrow Seas in these last two years by the Duke, according to the trust and duty of an Admiral, is laid to his charge; whereof the consequence, supposed to have been meerly through his default, are the ignominious infesting of the Coasts with Pirats and Enemies, are the endangering of the Dominion of these Seas, the extreme loss of the Merchants, and the decay of the Trade and Strength of the Kingdom.

E The Duke maketh this Answer, That he doubteth not but he shall make it appear, to the good satisfaction of your Lordships, that albeit there hath hapned much loss to the King's Subjects within the said time of two years, by Pirats & Enemies, yet that hath not hapned by the neglect of the Duke, or want of care and diligence in his place: For whereas in former times, the ordinary Guard allowed for the Narrow Seas hath been but four Ships, the Duke hath, since Hostility begun, and before, procured their number to be much increased; for since June, 1624. there hath never been fewer than five of the King's Ships, and ordinarily six, besides Pinnaces, Merchants Ships, and Drumblers; and since open Hostility, eight of the King's Ships, besides Merchants of great number, and Pinnaces, and Drumblers; and all these well furnished and manned, sufficiently instructed and authorised for the service. He saith, He hath from time to time, upon all occasions, acquainted his Majesty, and the Council-Board therewith, and craved their advice, and used the assistance of the Commissioners for the Navy in this service: And for the Dunkirkers, who have of late infested these Coasts more than in former years, he saith, There was that providence used for the repression of them, that his Majesty's Ships and the Hollanders joyning together, the Port of Dunkirk was blocked up, and so should have continued, had not a sudden Storm dispersed

The Charge  
touching the  
not guarding  
the Seas.

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disperced them, which being the immediate hand of God, could not by any policy of man be prevented; at which time, they took the opportunity to rove abroad, but it hath been so far from endangering the Dominion of the Narrow Seas thereby, as is suggested, that his Majesty's Ships or Men of War, were never yet mastered, nor encountring by them, nor will they endure the sight of any of our Ships; and when the Duke himself was in person, the Dunkirkers run into their Harbours. But here is a necessity, that according to the Fortune of Wars, interchangeable losses will happen; yet hitherto notwithstanding their more than wonted insolency, the loss of the Enemies part hath been as much, if not more, than what hath hapned to us; and that loss that hath fald, hath chiefly come by this means, that the Dunkirkers Ships being of late years exercised in continual hostility with the Hollanders, are built of a Mold as fit for flight as for fight; and so they pilfer upon our Coasts, and creep to the shore, and escape from the King's Ships: but to prevent that inconvenience for the time to come, there is already order taken for the building some Ships, which shall be of the like Mold, light and quick of Sail, to meet with the adverle party in their own way. And for the Pirates of Sallie, and those parts, he faith, it is but very lately that they found the way unto our Coasts, where, by surprise, they might easily do hurt; but there hath been that provision taken by his Majesty, not without the care of the Duke, both by force and treaty to repel them for the time to come, as will give good satisfaction. All which he is assured will clearly appear upon proof.

The Charge  
touching the  
unjust stay of  
the Ship of  
Newhaven,  
called the St.  
Peter, after  
Sentence.

To this Article the Duke maketh this Answer, That about September last, this Ship called the St. Peter (amongst divers others) was seized on as a law ful Prize by his Majesty's Ships and brought into Plymouth, as Ships laden by the Subjects of the King of Spain; in the end of October, or beginning of November, they were all brought to the Tower of London, all of them were there unladen; but the Peter, and the bulk of her Goods was not stirred, because they were challenged by the Subjects of the French King; and there did not then appear so much proof against her, and the Goods in her, as against the rest. About the middle of November, Allegations were generally put in against them all in the Admiralty Court, to justifie the seizure; and all the Pretendants were called in upon these proceedings, divers of the Ships and Goods were condemned, and divers were released in a legal course; and others of them were in suspense till full proof made. The Eighth and twentieth day of December, complaint was made on the behalf of some Frenchmen at the Council-board, concerning this Ship and others, when the King, by advice of his Council (his Majesty being present in Person) did order, That the Ship of Newhaven, called the Peter, and the Goods in her, and all such other Goods of the other Prizes, as should be found to appertain to his Majesty's own Subjects, or to the Subjects of his good Brother the French King, or the States of the United Provinces, or any other Princes or States in Friendship or Alliance with his Majesty, should be delivered: But this was not absolute, as is supposed by the Charge, but was thus qualified, so as they were not fraudulently coloured; and it was referred to a judicial proceeding.

According to this just and honourable Direction, the King's Advocate proceeded upon the general Allegations formerly put in the 26 of Jan. after there was a Sentence in the Admiralty, that the Peter should be discharged

2 Canti.

charged, and the King's Advocate not having then any knowledge of further proof, consented to it. But this was not a definitive Sentence, but a Sentence Interlocutory, as it is termed in that Court. Within few days after, this Ship prepared her self to be gone, and was falling down the River: Then came new Intelligence to the Lord Admiral, by the Lieutenant of the Tower, That all those Ships were laden by the Subjects of the King of Spain; that the *Amirante &c* wasted them beyond the North Cape; that they were but coloured by Frenchmen; that there were Witnesses ready to make good this new Allegation: neither was it improbable to be so; for part of the goods in that Ship have been confessed to be lawful Prize. This Ship being now fallen down the River, and being a Ship of the most value of all the rest, the Duke acquainted the King therewith, and by his commandment made stay of the Ship, lest otherwise it would be too late; which the Duke, in the duty of his place of Admiral, as he believeth, ought to have done, without such command: And if he had not done so, he might worthily have been blamed for his negligence; and then instantly he sent for the Judge of the Admiralty, to be informed from him, how far the Sentence already past, did bind, and whether it might stand with Justice to make stay of her again, she being once discharged in such manner as before. The Judge answered, as he was advised, That it might justly be done, upon better proofs appearing: yet discreetly, in a matter of that moment, he took time to give a resolute Answer, that in the interim he might review the Acts which had passed. The next day, or very shortly after, the Judge came again to the Duke, and, upon advice, answered resolutely, That the Ship and Goods might justly be stayed, if the proofs fell out to be answerable to the Informations given; whereof, he said, he could not judge, till he had seen the Depositions. And according to this resolution of the Judge, did five other learned Advocates, besides the King's Advocate, concur in opinion, being intreated by the Duke to advise thereof; so cautious was the Duke not to do any unjust Act. Then he acquainted the King again therewith, and his Majesty commanded him to reseize this Ship, and to proceed judicially to the proofs; and the Duke often required the King's Advocate to hasten the examination of the Witnesses; and many Witnesses were produced and examined, in pursuance of this new Information. But the French Merchants, impatient of any delay, complain'd again to the Council-Board, were it was order'd, not barely, That the Ship and Goods should be presently delivered, but should be delivered upon security; and upon security she had been then delivered, if it had been given; and security was once offered, but afterwards retracted: And when all the Witnesses produced were examined, and published, the King's Advocate having duly considered of them, forthwith acquainted the Duke, that the Proofs came too short for the *Peter*; and thereupon the Duke instantly gave order for her final discharge, and she was discharged by order of the Court accordingly.

By which true Narration of the Fact, and all the proceedings, the Duke hopeth it will sufficiently appear, that he hath not done any thing herein, on his part, which was not justifiable, and grounded upon deliberate and well-advised Councils and Warrant. But for the doing of this to his own lucre and advantage, he utterly denieith it; for he saith, that there was nothing removed out of the Ship, but some Moneys, and some small Boxes of Stone of very mean value, and other small portable things lying above the Deck, easily to be imbezelled: And whatsoever

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was taken out of the Ship, was first publickly shewed to his Majesty himself, and thence committed to the custody of *Gabriel Marsh*, in the Article mentioned, by Inventory, then and still Marshal of the Admiralty, by him to be safely kept; whereof the money was employed for the Kings immediate Service, and by his direction, and the rest was left in safe keeping, and are all since delivered, and re-imbursed to the Owners, or pretended Owners thereof; and not a penny profit thereof, or thereby, hath come to the Duke himself, as shall be made good by proof: And whereas the Suggestion hath been made, that this Accident was the Cause of the Embargo of the Ships and Goods of our Merchants trading in *France*; he saith, That it is utterly mistaken; for divers of their Goods were embargoed before this hapned; and if, in truth, the *French* had therein received that, as either they pretend, or is pretended from them; yet the embarguing of the Goods of the *English* upon that occasion, was utterly illegal and unwarrantable; for by the mutual Articles between the two Kings, they ought not to have righted themselves before Legal Complaint, and a denial on our part; and then by way of Reprisal, and not by Embargo. So that the Duke doth humbly leave it to the Consideration of your Lordships, whether the harm which hath hapned to your Merchants, hath not been more occasioned by the unseasonable justifying of the Actions of the *French*, which animated them to increase their Injuries, than by an act, either of the Duke, or any other.

The Charge  
touching his  
Extortion of  
Ten thousand  
pounds from  
the East-India  
Company,  
with the abuse  
of the Parlia-  
ment.

To this Article, which consisteth of two main points, the one of the extorting of ten thousand pounds unjustly, and without right, from the *East India Company*; the other, admitting the Duke had a right, as Lord Admiral, the compassing it by undue ways, and abusing the Parliament, to work his private ends; the Duke giveth this Answer, wherein a plain Narration of the Fact, he hopeth, will clear the matters objected; and in this he shall lay down no more, than will fully appear upon proof.

About the end of *Michaelmas Term*, 1623. the Duke had Information given him by a principal Member of their own Company, that the Company had made a great advantage to themselves in the Seas of *East-India*, and other parts of *Asia* and *Africa*, by rich Prizes gotten there forcibly from the *Portugals*, and others; and a large part thereof was due to his Majesty, and to the Duke as Admiral, by the Law; for which, neither of them had any satisfaction. Whereupon, directions were given for a legal prosecution in the Court of Admiralty, and to proceed in such matters as should be held fittest by the Advice of Council.

In the months of *December* and *January*, in that year, divers Witnesses were examined in the Admiralty, according to the ordinary course of that Court, to instruct and furnish Informative ProcesSES in this behalf. After the tenth of *March*, 1623. An Action was commenced in the Court, in the joyn names of his Majesty and the Admiral, grounded upon the former Proceeding; this was prosecuted by the King's Advocate, and the Demand at first was 15000 pounds. The Action being thus framed in both their names, by advice of Council, because it was doubted in the Judgment of the Council, whether it did more properly belong to the one, or the other, or to both; and the form of Entring that Action being most usual in that Court, on the Eight and twentieth of *April*, 1624. the Judicial Agreement and Sentence passed thereupon in the Admiralty Court, wherein the Companies consent, and their own Offer plainly appeareth; so that for the second part of the right, it were

were very hard to conclude, that the Duke had no right, contrary to the Companies own consent, and the Sentence of the Court, grounded on their Agreement; unless it shall fully appear, that the Company was by strong hand enforced thereto, and so the Money extorted.

A Therefore to clear that scruple, That as the matter of the Suit was just, or at least so probable, as the Company willingly desired it for their peace, so the manner was as just and honourable, your Lordships are humbly entreated to observe these few true Circumstances. The Suit in the Admiralty began divers months before the first mention of it in Parliament; and some months before the beginning of it in that Parliament, it was prosecuted in a legal course, and upon such grounds as will yet be maintained to be just. The Composition made by the Company, was not moved by the Duke, but his late Majesty, on the behalf of himself, & of the Duke, treated with divers Members of the Company about it, and the Duke himself treated not at all with them. The Company,

B without any compulsion at all, agreed to the composition, not that they were willing to give so much, if they might have escaped for nothing; but that they were willing to give so much, rather than to hazard the success of the Suit: and upon this composition, concluded by his Majesty, the Company desired and obtained a Pardon for all that was objected against them. The Motion in Parliament about the stay of the Companies Ships then ready prepared and furnished, was not out of any respect

C to draw them the rather to give the composition, but really out of an apprehension, that there might be need of their strength for the defence of the Realm at home; and if so, then all private respects must give way to the publick Interest. These Ships, upon the Importance of the Merchants, and reasons given by them, were suffered nevertheless to fall down to Tilbury, by his late Majesties direction, to speed their Voyage the better, whilst they might be accommodated for this Voyage, without prejudice to the publick safety, they were discharged when there was an Accommodation propounded and allowed, which was, That they should

D forthwith prepare other Ships for the home service, whilst those went over with their Voyage; which they accordingly did. That the Motion made in the Commons House, was without the Duke's knowledge or privity. That when there was a rumor, that the Duke had drawn on the composition by staying of the Ships which were then gone, the Duke was so much offended thereat, that he would have had the former Communication to have broken off, and have proceeded in a legal Course, and he sent to the Company to that purpose; but the Company gave

E him satisfaction, that they had raised no such rumor, nor would, nor could avow any such thing, and entreated him to rest satisfied with such publick acts to the contrary. That after this, their Ships being gone, themselves careful of their future security, sollicited the Dispatch of the composition, consulted with Council about the Instruments which passed about it, and were at the charge thereof, and the money was paid long after the Sentence, and the Sentence given after the Ships were gone, and no security given at all for the money, but the Sentence; and

F when this money was paid to the Duke, the whole Sum (but 200 £. thereof only) was borrowed by the King, and employed by his own Officers, for the service of the Navy. If these things do, upon proof, appear to your Lordships, as is assured they will, he humbly submitteh it to your Judgments, how far verbal Affirmations or Informatiōns extrajudicial, shall move your Judgments, when judicial Acts,

and

Ap. 1626.  
The Charge  
touching his  
putting the  
Ships into the  
hands of the  
French.

Since the  
Duke's Answer  
delivered into  
the House, he  
hath him self  
openly decla-  
red to their  
Lordships, that  
for the better  
clearing of his  
Honour and  
Fidelity to the  
State, in that  
part of his  
Charge which  
is objected a-  
gainst him by  
this Seventh

Article, he hath been an earnest and humble Suitor to his Majesty, to give him leave in his Proofs, to unfold the whole Truth and Secret of that great Action; and hath obtained his Majesties gracious leave therein: and accordingly doth intend to make such open and clear Proof thereof, that he nothing doubteth, but the same, when it shall appear, will not only clear him from blame, but be a Testimony of his Care and Faithfulness in serving the State.

The Charge  
touching his  
practise of the  
Employment  
of them a-  
gainst Rochel.

To this Article wherewith he is taxed, to have practised for the em-  
ployment of the Ships against *Rochel*, he answereth,

That he was so far from practising or consenting, that the said Ships  
should so be employed, that he shall make it clearly to appear, that when  
it was discovered, that they would be employed against those of the  
Religion, the Protestation of the *French* King being otherwise, and  
their pretence being, That there was a Peace concluded with those of  
the Religion, and that the *French* King would use those Ships against  
*Genoa*; which had been an Action of no ill Consequence to the affairs  
of Christendom: The Duke did by all fit and honourable means, en-  
deavour to divert that course of their Employment against *Rochel*. And  
he doth truly and boldly affirm, That his endeavours under the Roy-  
al Care of his most Excellent Majesty, have been a great part of the  
means to preserve the Town of *Rochel*, as the Proofs, when they shall  
be produced, will make appear. And when his Majesty did find, that,  
beyond his Intention, and contrary to the faithful promises of the  
*French*, they were so mis-employed, he found himself bound in Ho-  
nour, to intercede with the most Christian King, his good Brother, for  
the Peace of that Town, and of the Religion, lest his Majesty's Honour  
might otherwise suffer: Which Intercession his Majesty did so sedu-  
lously and so successfully pursue, that the Town, and the Religion there,  
do, and will acknowledge the Fruits thereof.

And whereas it is further objected against him, That when in so un-  
faithful amanner he had delivered those Ships into the power of a Foreign  
State, to the danger of the Religion, and scandal and dishonour of our  
Nation, which he utterly denieth to be so: That to mask his ill intenti-  
ons, in cunning & cautious manner, he abused the Parliament at *Oxford*,  
in affirming before the Committees of both Houses, That the said Ships  
were

and those things which were acted and executed, prove the contrary.  
To this Article, which is so mixt with Actions of great Princes, as  
that he dares not in his duty, publish every passage thereof, he cannot  
for the present make so particular an Answer as he may, hath, and will  
do to the rest of his Charge. But he giveth this general Antwer, the  
truth whereof, he humbly prayeth may rather appear to your Lord-  
ships by the proofs, than by any discourse of his; which, in Reason of  
State, will happily be conceived fit to be more privately handled.

That these Ships were lent to the *French* King at first, without the  
Duke's privity: That when he knew it, he did that which belonged to  
an Admiral of *England*, and a true *English* man: And he doth deny, that  
by menace, or compulsion, or any other indirect or undue practise or  
means, he, by himself, or by any others, did deliver those Ships, or any  
of them, into the hands of the *French*, as is objected against him: That  
the Error which did happen, by what direction soever it were, was not  
in the intention any ways injurious, or dishonourable, or dangerous to  
this State, or prejudicial to any private man, interested in any of those  
Ships; nor could have given any such offence at all, if those Promi-  
ses had been observed by others, which were professed and really per-  
formed by his Majesty and his Subjects on their Parts.

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A. 1626.

A

were not, nor should be so used or employed; he saith, (under the favour of those who so understood his words) That he did not then use those words, which are expressed in the Charge to have been spoken by him; but there being then a jealousie of the mis-employing of those Ships, the Duke having no knowledge thereof, and knowing well what the promises of the French King were, but was not then seasonable to be published, he hoping they would not have varied from what was promised, did say, That the event would show it was no undertaking for them, but a Declaration of that in general terms which should really have been performed, and which his Majesty had just cause to expect from them.

B

That the Duke did compel the Lord R. to buy his Title of Honour, he utterly denieth; and he is very confident, that the Lord R. himself will not affirm it, or any thing tending that way. Neither can he, nor any man else, truly say so. But the said Duke is able to prove, that the Lord R. was before willing to have given a much greater sum, but could not then obtain it; and he did now obtain it by sollicitation of his own Agents.

The Charge touching the compelling the Lord R. to buy Honour.

C

D

For the selling of Places of Judicature by the Duke, which are specially instanced in the Charge, he answereth, That he receiveth nor, or had a penny of either of those sums to his own use; but the truth is, the Lord M. was made Lord Treasurer by his late Majesty, without contracting for any thing for it; and after that he had the Office conferred upon him, his late Majesty moved him to lend him Twenty thousand pounds, upon promise of repayment at the end of a year; the Lord M. yielded it, so as he might have the Dukes word, that it should be repayed unto him accordinglly: The Duke gave his word for it; the Lord M. relied upon it, and delivered the said sum to the hands of Mr. Porter, then attending upon the Duke, by the late King's appointment, to be disposed as his Majesty should direct. And according to the King's direction, that very money was fully paid out to others, and the Duke neither had, nor disposed of a penny thereof to his own use, as is suggested against him.

And afterwards when the Lord M. left that place, and his money was not repayed unto him, he urged the Duke upon his promise; whereupon the Duke being jealous of his Honour, and to keep his word, not having money to pay him, he assured Lands of his own to the Lord M. for his security. But when the Duke was in Spain, the Lord M. obtained a promise from his late Majesty of some Lands in Fee-farm, to such a value, as he accepted of the same in satisfaction of the said money, which were afterwards passed unto him; and at the Duke's return, the Lord M. delivered back unto him the security of the Dukes Lands, which had been given unto him as aforesaid.

E

F

And for the Six thousand pounds supposed to have been received by the Duke, for procuring to the Earl of M. the Mastership of the Wards, he utterly denieth it; but afterwards he heard, that the Earl of M. did disburse Six thousand pounds about that time; and his late Majesty bestowed the same upon Sir Henry Mildway his Servant, without the Duke's privity, and he had it, and enjoyed it, and no penny thereof came to the said Duke, or to his use.

To

An. 1626.

The Charge  
touching his  
procuring of  
Honours for  
his poor Kin-  
dred.

To this Article the Duke answereth, That it is true, that his late Majesty, out of his Royal favour unto him, having honoured the Duke himself with many Titles and Dignities of his bounty; and as a greater argument of his Princely Grace, did also think fit to honour those, who were in equal degree of Blood with him, and also to enoble their Mother, who was the Stock that bare them.

The Title of Countess of *Buckingham*, bestowed upon the Mother was not without president, and she hath nothing from the Crown but a Title of Honour, which dieth with her.

The Titles bestowed on the Viscount *P.* the Duke's Elder Brother, were conferred upon him, who was a Servant of the Bed-chamber to his now Majesty, then Prince, by his Highness means; the Earl of *A.* was of his late Majesty's Bed-chamber, and the Honours and Lands conferred on him, was done when the Duke was in *Spain*.

The Earl of *D.* hath the Honours mentioned in the Charge, but he hath not a foot of Land which came from the Crown, or the King's Grant.

But if it were true, that the Duke had procured Honours for those who are so near and dear unto him, the Law of Nature, and the King's Royal favour, he hopeth, will plead for his excuse; and he rather believeth he were worthy to be condemned in the opinion of all generous minds, if being in such favour with his Master, he had minded only his own advancement, and had neglected those who were nearest unto him.

The Charge  
touching his  
exhausting, in-  
tercepting, and  
mis-employ-  
ing the King's  
Revenue.

To this Article his Answer is, That he doth humbly, and with all thankfulness acknowledge the bountiful hand of his late Majesty unto him; for which he oweth so much to the memory of that deceased King his most excellent Majesty that now is, and their Posterity, that he shall willingly render back whatsoever he hath received, together with his life, to do them service. But for the immense Sums and Values which are suggested to have been given unto him, he saith, There are very great mistakings in the calculations which are in the Schedules in this Article mentioned; unto which the Duke will apply particular Answers in another Schedule, which shall express the truth of every particular, as near as he can collect the same, to which he referreth himself; whereby it shall appear, what a great disproportion there is between Conjectures and Certainties: And those gifts which he hath received, though he confesseth that they exceed his Merit, yet they exceed not Presidents of former times. But whatsoever it is he hath, or hath had, he utterly denieth that he obtained the same, or any part thereof, by any undue solicitation or practise, or did unduly obtain any release of any sums of money he received; but he having, at several times, and upon several occasions, disposed of divers sums of the moneys of his late Majesty, and of his Majesty that now is, by their private directions, he hath Releases thereof for his discharge, which was honourable and gratis in their Majesties, who granted the same for their Servants indemnity; and he hopeth was not unfit for him to accept of, lest, in future times, he or his might be charged therewith, when he could not be able to give so clear an account thereof, as he hopeth he shall now well be able to do.

To

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3 Caroli.  
The Charge  
touching his  
transcendent  
presumption  
in giving Phy-  
sick to the  
King.

- A To this Charge, which is set forth in such an expression of words as might argue an extraordinary guiltiness in the Duke, who by such infinite bounds of duty and thankfulness was obliged to be tender of the life and health of his most dread and dear Sovereign and Master, he maketh this clear and true Answer: That he did neither apply nor procure the plaister or Posset-drink, in the Charge termed to be a Potion unto his late Majesty, nor was present when the same was first taken or applied: But the truth is this; That his Majesty being sick of an Ague, took notice of the Dukes recovery of an Ague not long before, and asked him how he had recovered, and what he found did him most good? The Duke gave him a particular Answer thereto, and that one who was the Earl of *Warwicks* Physician had ministred a plaister and Posset-drink to him; and the chief thing that did him good was a Vomit, which he wished the King had taken in the beginning of his sickness. The King was very desirous to have that plaister and posset-drink sent for, but the Duke delayed it; whereupon the King impatiently asked, Whether it were sent for or not? and finding by the Dukes speeches he had not sent for it, his late Majesty sent for *John Baker* the Dukes servant, and with his own Mouth commanded him to go for it: Whereupon the Duke besought his Majesty not to make use of it but by the advice of his own Physicians, nor until it shall be tried of *James Palmer* of his Bed-chamber, who was then sick of an Ague, and upon two children in the Town.
- C Which the King said he would do: And in this resolution the Duke left his Majesty, and went to *London*; and in the mean time in his absence the plaister and posset-drink was brought and applyed by his late Majesties own command. At the Dukes return, his Majesty was in taking of the posset-drink, and the King then commanded the Duke to give it him, which he did in the Presence of some of the Kings Physicians, they then no ways seeming to dislike it, the same Drink being first tasted of by some of them, and divers others in the Kings Bed-chamber. And he thinketh this was the second time the King took it. Afterwards when the King grew somewhat worse than before, the Duke heard a rumor as if this Physick had done the King hurt, and that the Duke had ministred that Physick to him without advice. The Duke acquainted the King therewith, to whom the King with much discontent answered thus, *They are worse then Devils that say it*. So far from the truth it was, which now notwithstanding (as it seemeth) is taken up again by some, and with much confidence affirmed. And here the Duke humbly prayeth all your Lordships, not only to consider the truth of this Answer, but also to commiserate the sad thought which this Article had revived in him.
- E F This being the plain clear and evident truth of all those things which are contained and particularly expressed in his Charge, (the rest being in general requiring no Answer) He being well assured that he hath herein affirmed nothing which he shall not make good by proof in such way as your Lordships shall direct;
- F He humbly referreth it to the judgment of your Lordships, how full of danger and prejudice it is to give too ready an ear & too easie a belief unto Reports or Testimony without Oath, which are not of weight enough to condemn any. He humbly acknowledgeth how easie it was for him in his younger years and unexperienced, to fall into thousands of Errors in

An. 1626.

those ten years wherein he had the honour to serve so great and open-hearted a Sovereign and Master: But the fear of Almighty God, his sincerity in the true Religion established in the Church of England, (though accompanied with many weaknesses and imperfections, which he is not ashamed humbly and heartily to confess) his awfulness not willing to offend so good and gracious a Master and his love and Duty to his Country have restrained him and preserved him (he hopeth) from running into heinous and high misdemeanors and crimes. But whatsoever upon examination and mature deliberation they shall appear to be, least in any thing unwittingly within the compass of so many years he shall have offended, He humbly prayeth your Lordships not only in those, but as to all the said misdemeanors, misprisions, offences and crimes wherewith he standeth charged before your Lordships, to allow unto him the benefit of the free and general Pardon granted by his late Majesty in Parliament in the 21 year of his Reign, out of which he is not excepted; and of the gracious pardon of his now Majesty granted to the said Duke, and vouchsafed in like manner to all his Subjects at the time of his most happy Inauguration and Coronation: Which said pardon under the great Seal of England granted the said Duke, beareth date the tenth day of February now last past and here is shewn forth unto your Lordships, on which he doth most humbly rely: And yet he hopeth your Lordships in your Justice and Honor, upon which with confidence he puts himself, will acquit him of and from those misdemeanors, offences, misprisions, and crimes wherewith he hath been charged; And he hopeth, and will daily pray, that for the future he shall by Gods grace so watch over his actions both publick and private, that he shall not give any Just offence to any.

The Duke having put in this Answer, earnestly moved the Lords to send to the Commons to expedite their Reply; and the Commons did as earnestly desire a Copy of his Answer.

The next day his Majesty wrote this Letter to the Speaker.

The Kings  
Letter to the  
Speaker  
touching spe-  
cific supply to  
his Majesty.

**T**RUSTY and WELLbeloved, We greet you well. Our House of Commons cannot forget how often and how earnestly We have called upon them for the speeding of that Aid which they intended Us for our great and weighty affaires, concerning the safety and honour of Us and Our Kingdoms: And now the time being so far spent, that unless it be presently concluded, it can neither bring us Money nor Credit by the time wh.ch themselves have fixed, which is the last of this Moneth, and being further deferred would be of little use, we being daily advertised from all parts of the great preparations of the Enemy ready to assail Us; We hold it necessary by these Our Letters to give them Our last and final Admonition, and to let them know that We shall account all further delays and excuses to be express denials. And therefore We will and require you to signifie unto them, that we do expect that they forthwith bring in their Bill of Subsidy to be passed without delay or condition so as it may fully pass the House by the end of the next week at the furthest: Which if they do not, it will force Us to take other resolutions. But let them know, if they finish this according to our desire, that we are resolved to let them sit together for the dispatch of their other affairs so long as the season will permit, and after their recess to bring them together again the next Winter. And if by their denial or delay, any thing of ill consequence shall fall out either at home or abroad, We call God and Man to Witness that we have done our part to prevent it by calling our People together to advise with Us, by opening the weight of our occasions unto

unto them, and by requiring their timely help and assistance in these Actions wherein we stand engaged by their own Councils. And we will and command you that this Letter be read publickly in the House.

3 C a r o l i .

A About this time there hapned, at three a clock in the afternoon, a terrible storm of Rain and Hail in and about the City of London, and with it a very great Thunder and Lightning: The graves were laid open in S. Andrews Church-yard in Holborn, by the sudden fall of the Wall which brought away the Earth with it, whereby many Coffins, and the Corps therein were exposed to open view, and the ruder sort would ordinarily lift up the lids of the Coffins to see the posture of the dead Corps lying therein, who had been buried of the Plague but in the year before.

B At the same instant of time there was a terrible storm and strange Spectacle upon *Thames* by the turbulency of the waters, and a Mist that arose out of the same, which appeared in a round Circle of a good bigness above the waters. The fierceness of the Storm bent it self towards York-house, (the then habitation of the Duke of Buckingham,) beating against the Stairs and wall thereof: And at last this round Circle (thus elevated all this while above the water) dispersed it self by degrees like the smoak issuing out of a Furnace, and ascended higher and higher till it quite vanished away, to the great admiration of the beholders. This occasioned the more discourse among the Vulgar, in that Doctor Lamb appeared then upon *Thames*, to whose Art of Conjuring they attributed that which had happened. The Parliament was then sitting, and this Spectacle was seen by many of the Members out of the windows of the House.

C The Commons agreed upon this ensuing Petition to his Majesty, concerning Recusants.

D *To the Kings most Excellent Majesty.*

E F *Y*Our Majesties most obedient and loyal Subjects the Commons in this present Parliament assembled, do with great comfort remember the many Testimonies which your Majesty hath given of your sincerity and zeal of the true Religion, established in this Kingdom, and in particular your gracious Answer to both Houses of Parliament at Oxford, upon their Petition concerning the Causes and Remedies of the Increase of Popery; That your Majesty thought fit, and would give order to remove from all Places of Authority and Government, all such persons as are either Popish Recusants, or according to direction of former Acts of State justly to be suspected; which was then presented as a great and principal cause of that mischief. But not having received so full redress herein as may conduce to the peace of this Church and safety of this Regal State, They hold it their Duty once more to resort to your Sacred Majesty, humbly to inform you, that upon examination they find the persons under written to be either Recusants, Papists, or justly suspected according to the former Acts of State, who now do, or since the sitting of the Parliament did remain in places of Government and Authority, and trust in your several Counties of this your Realm of England and Dominion of Wales.

The commons  
Petition to the  
King concern-  
ing Recusants.

An 1626.

The Right Honourable, *Francis Earl of Rutland*, Lieutenant of the Country of *Lincoln, Rutland, Northampton, Nottingham*, and a Commissioner of the Peace, and of Oyer and Terminer in the County of *York*, and Justice of Oyer from *Trent* Northwards. His Lordship is presented to be a Popish Recusant, and to have affronted all the Commissioners of the Peace within the *North-Riding of Yorkshire*, by sending a Licence under his hand and Seal unto his Tenant *Thomas Fisher*, dwelling in his Lordship's Mannor of *Helmsley*, in the said *North-Riding* of the said County of *York*, to keep an Ale-houle; soon after he was, by an Order made at the Quarter-Sessions, discharged from keeping an Ale-houle, because he was a Popish convict Recusant, and to have procured a Popish School-master, namely, *Roge Conyers*, to teach Scholars within the said Mannor of *Helmsley*, that formerly had his Licence to teach Scholars taken from him, for teaching Scholars that were the Children of Popish Recusants, and because he suffered these Children to be absent themselves from the Church whilst they were his Scholars; for which the said *Conyers* was formerly complained of in Parliament.

A

The Right Honourable Vicount *Dunbar*, Deputy-Justice in Oyer to the Earl of *Rutland*, from *Trent* Northward, and a Commissioner of *Sewers*, and a Deputy-Lieutenant within the *East-Riding of Yorkshire*; his Lordship is presented to be a Popish Recusant, and his Indictment removed into the King's Bench, and his wife, Mother, and the greatest part of his Family are Popish Recusants, and some of them convicted.

B

*William Lord Eure*, in Commission for the *Sewers* in the *East-Riding*, a convict Popish Reculant; *Henry Lord Abergavenny*, *John Lord Tenham*, *Edward Lord Wotton*, in Commission for *Sewers*, justly suspected for Popery; *Henry Lord Morley*, Commissioner for *Sewers in Com. Lanc* himself suspected, and his Wife a Recusant; *John Lord Mordant*, Commissioner of the Peace, *Sewers*, and Subsidy in *Com. Northampton*.

C

*John Lord St. John of Basing*, Captain of *Lidley Castle in Com. Southampton*, indicted for a Popish Reculant.

D

*Em. Lord Scroop*, Lord President of his Majesty's Council in the North, Lord Lieutenant of the County and City of *York*, & Com. *Emborac. & Villa Kingston super Hull*, presented the last time, and continuing still to give suspition of his ill-affection in Religion.

1. By never coming to the Cathedral Church upon those days, wherein former Presidents have been accustomed.

2. By never receiving the Sacrament upon Common days, as other Presidents were accustomed, but publickly departing out of the Church, with his Servants, upon those days, when the rest of the Council, Lord Mayor and Alderman do receive:

3. By never, or very seldom, repairing to the Fasts, but often pudlickly riding abroad with his Hawks, on those days.

4. By causing such as are known to be firm on those days in the Religion establshed, to be left out of Commission, which is instanced in *Henry Alured Esq*; by his Lordship's procurement put out of the Commission of *Sewers*, or else from keeping them from executing their Places, which is instanced in *Dr. Hudson*, Doctor in *Divinity*; to whom his Lordship hath refused to give the Oath, being appointed.

E

5. By putting divers other ill-affected persons in Commission of the Council of Oyer and Terminer, and of the *Sewers*, and in other Places of Trust, contrary to his Majesty's gracious Answer to the late Parliament.

6. In

F

3 Caro.

A 6. In October last 1625. being certified of divers Spanish Ships of War upon the Coasts of Scarborough, his Lordship went thither, and took with him the Lord Dunbar, Sir Thomas Metham and William Alford, and lay at the house of the Lord Eury, whom he knew to be a convict Recusant and did notwithstanding refuse to disarm him, although he had received Letters from the Lords of the Council to that effect? and did likewise refuse to shew the Commissioners who were to be employ'd for disarming of Popish Recusants, the original Letters of the Privy Council, or to deliver them any Copies as they desired, and as his Predecessors in that place were wont to do.

B 7. By giving Order to the Lord Dunbar, Sir William Metham, and Sir William Alford, to vew the Forts and Store of Munition in the Town of Kingston upon Hull, who made one Kerton a convict Recusant, and suspected to be a Priest, their Clerk in that service.

B 8. By denying to accept a Plea tendered according to the Law by Sir William Hilliard Defendant, against Isabel Simson Plaintiff, in an Action of Trover, that she was a convict Popish Recusant, and forcing him to pay costs.

C 9. By the great increase of Recusants since his Lordships coming to that Government in January 1619. It appearing by the Records of the Sessions, that there are in the East-Riding only One thousand six hundred and seventy more convicted than were before, which is conceived to be an effect of his favour and countenance towards them.

C William Langdale Esquire convicted of Popish Recusancy; Jordan Metham, Henry Holm, Michael Partington, Esquires, George Creswell, Thomas Danby, Commissioner of the Sewers, and put in Commission by procurement of the Lord Scroop, Lord President of the North, and who have all Popish Recusants, to their Wives; Ralph Bridgeman a Non-Communicant.

D Nicholas Girlington, whose Wife come seldom to Church; Sir Marmaduke Wykel Knight and Baronet, presented the last Parliament, his Wife being a convict popish Recusant, and still continuing so.

F Sir Thomas Metham Knight, Deputy-Lieutenant, made by the Lord Scroop in Commission of the Council of the North, and of Oyer and Terminer, and other Commissions of Trust, all by procurment of the same Lord President since the Kings Answer; never known to have received the communion; his two only Daughters brought up to be Popish, and one of them lately marryed to Thomas Doleman Esquire, a Popish Recusant.

E Anthony Vicount Montague, in Commission of the Sewers in Com. Sussex his Lordship a Recusant Papist.

F Sir William Murray Knight, Deputy Lieutenant, Colonel to a Regiment, his Wife a Recusant; Sir Edward Musgrave, Sir Thomas Lamplugh Justices of Peace and Quorum; Sir Thomas Savage Deputy Lieutenant and Justice of Peace, his Wife and Children Recusants; Sir Richard Egerton a Non-Communicant.

F Thomas Savage Esquire, a Deputy-Lieutenant, a Recusant, and his Wife indicted and presented; William Whittemore Commissioner of the Rubsidy, his Wife and Children Recusants; Sir Hugh Beeston Commissioner of the Subsidy, his Daughter and many of his Servants Recusants; Sir William Massie Commissioner for the Subsidy, his Lady indicted for Recusancy, and his Children Papists; Sir William Courtney Knight, Vice-Warden of the Stannery, and Deputy Lieutenant, a Popish Recusant, Sir

An. 1626.

Sir Thomas Ridly Knight, Justice of Peace, his Wife a Popish Recusant, and eldest Son.

Sir Ralph Conyers Knight, Justice of Peace, his Wife a Popish Recusant.

James Lawson Esquire, a Justice of Peace, and one of the Captains of the Trained-band, his Children Popish Recusants, and servants Non-Communicants.

Sir John Shelley Knight and Baronet, a Recusant. William Scot Esq; a Recusant. John Finch Esquire, not convicted, but comes not to Church, in Commission of the Sewers.

A

These are all Convicted Recusants, or suspected of Popery.

Sir William Mullineux Deputy-Lieutenant and Justice of Peace, his Wife a Recusant; Sir Richard Houghton Knight, Deputy-Lieutenant, his Wife and some of his Daughters Recusants; Sir William Noris Captain of the general Forces, and Justice of Peace, a Recusant; Sir Gilbert Ireland Justice of Peace, a Recusant; James Anderton Esquire, Justice of Peace, and one of his Majesties Receivers, his Wife a Non-Communicant, his Son and heir a great Recusant, and himself suspected.

Edward Rigby Esquire, Clerk of the Crown, Justice of Peace, himself a good Communicant, but his Wife and Daughters Popish Recusants.

Edward Criswell Esquire, Justice of Peace, his Wife a Popish Recusant.

John Parker Gentleman, Muster-Master for the County, suspected for a Popish Recusant.

George Ireland Esquire, Justice of Peace, his Wife a Popish Recusant.

John Preston Esquire, Bow-bearer for his Majesty in Westmorland Forest, a Recusant.

Thomas Covil Esquire, Jaylor, Justice of the Peace and Quorum, his Daughter a Recusant Married.

Sir Cuthbert Hafal Justice of Peace, his Wife a Recusant.

Richard Shearburn Esquire, Justice of Peace, himself Non-resident, his Wife and Son Recusants.

Sir George Hennage Knight, Sir Francis Metcalf Knight, Robert Thoro'd Esquire, Anthony Munson Esquire, William Dallison Esquire, in Commission of the Sewers, and are justly suspected for Popish Recusants.

Sir Henry Spiller Knight, in Commission for Middlesex and Westminster and Deputy Lieutenant; Valentine Saunders Esquire, one of the six Clerks, both which are justly suspected to be ill-affected in Religion according to the Acts of State.

Charles Jones Knight, Deputy-Lieutenant, and Justice of Peace, George Milburne Esquire, Justice of Peace, Edward Morgan Esquire, their Wives are all Popish Recusants.

William Jones Deputy Lieutenant, Justice of Peace, his Wife suspected to be a Popish Reculant.

John Vaughan Captain of the Horse, suspected for Recusancy.

Benedict Hall Receiver and Steward of the Dutchy of Lancaster, he and his Wife are Popish Recusants.

Sir Thomas Brudenell Knight and Baronet, Deputy Lieutenant, a Popish Recusant.

Cuthbert Heron, Esquire, now Sheriff of Northumberland, Justice of the Peace, his Wife a Recusant.

Sir William Selby Junior, Knight, Justice of Peace, his Wife a Recusant.

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Sir

Sir John Canning Knight, Justice of Peace, his Wife a suspected Recusant.

Sir Ephraim Widdrington Knight, Justice of Peace, suspected to be a Recusant.

Sir Thomas Ridall Knight, Justice of Peace, his Wife and eldest Son are Recusants.

A John Widdrington Esquire, who came out of the same County before his Majesties Proclamation was published, and is now at London attending the Council Table by Commandment, and yet not dismisse.

Sir Robert Pierpoint, Justice of Peace, his Wife a Recusant

B Sir Anthony Brown Knight, Justice of Peace, thought to be a Recusant, but not convict.

Sir Henry Beddingfield Knight, Deputy Lieutenant, and Justice in Oyer and Terminer, and in Commission of Sewers, Justice of Peace, and Captain of a foot Company, his Wife nor any of his Children, as is informed, come to the Church.

C Thomas Sayer Captain of the Horse, his Wife comes not to Church.

Sir William Yelverton Baronet, and Justice of Peace, not suspect himself, but his eldest Son and one of his Daughters are known Recusants.

D Sir Henry Minne Knight, Justice of Peace, and Quorum, neither he, his Wife or Daughters can be known to have received the Communion, and have been presented at the Sessions for Non-conformity.

E Robert Warren Clerk, a Justice of Peace, justly suspected, and that for these Reasons.

1. He being in trust for one Ratcliff of Bury, deceased, for the educating of his Son; he took him from the School at 12 years old, and sent him beyond the Seas to be brought up there in a Popish Seminary, where he hath remained six or seven years, as was generally reported.

D 2. One of his Parishioners doubted in some points of Religion, being sick and desired to be satisfied by him, who confirmed him in the Religion of the Church of Rome, which he told to his brothers before his death, who are ready to affirm the same, but this was divers years since.

E 3. There being Letters directed to four Knights of that County to call the Ministers and other Officers before them, and to cause them to present all such as absented themselves from the Church, and were Popishly affected, he was desired to present those within his Parish Church of Welford, which he accordingly did, but left out at the least one half; and being asked, Why he did so? he answered, That he was no Informer:

F And being asked of some particulars, Whether they came to the Church or not? his Answer was, They did not; and, Why then did he not present them? he said, They might be Anabaptists or Brownists, and would not present them, and this certified by three Members of the House.

4. He having a Brother dwelling in Sudbury, that was presented for not coming to the Church, he came to one of the Ministers, and told him, That he took it ill they presented his Brother, who answered, He did not: but, if he had known of it he would: whereupon he replied, He was glad he had a brother of any Religion.

5. One of his Parish, named Fage, having intelligence, that there was one of the said Parish, that could informe of a private place, where Armes were in the Recusants House in the Parish, came to some of the Deputy-Lieutenants in Commission for a Warrant to bring the same in form before them, to be examined concerning the same, and the said

Fage

*An. 1626.* *Eage* delivered the warrant to the Constable, he carried him before the said M. *Warren*, who rated the said *Eage* for that he did come to him first, telling him, that he was a Factious fellow, and laid him by the heels for two hours, which the said *Eage* is ready to affirm.

Sir *Benjamin Tichburne* Knight and Baronet, Justice of Oyer and Terminer, Justice of Peace, and Deputy-Lieutenant, and in Commission for the Subsidy; his Wife, children and servants indicted for Popish Recusancy.

Sir *Richard Tichburne* Knight, Justice of the Peace, his Wife presented the last Sessions for having absented her self from the Church for the space of two Moneths.

Sir *Henry Compton* Knight, Deputy-Lieutenant, Justice of Peace, and Commissioner for the Sewers. Sir *John Shelly* Knight and Baronet, himself and Lady Recusants.

Sir *John Gage* Knight and Barronet, a Papist Recusant.

Sir *John Guileford* Knight, } Their Ladies come not to Church.  
Sir *Edward Francis* Knight, }

Sir *Garret Kempe* Knight. Some of his Children come not to Church.

Edward *Gage* Esq; a Recusant Papist } Commissioners of the Sewers.  
Tho *Middlemore* comes not to Church }

James *Rols* & William *Scot*, Commissioners of Sewers, both Recusants Papists. Robert *Spiller* comes not to Church.

Sir *Henry Guild*; or in Commission for Piracies, and for the Sewers, and John *Thatcher* Esquire, Commissioner for the Sewers, they are either persons convicted, or justly suspected.

Sir *Richard Sandford* Knight, Richard *Brewthwait* Esq; Gawan *Brewthwait* Esquire, their wives are Recusants.

Sir *William Aubrey* Knight, Justice of Peace, a Recusant.

Rees *Williams* Justice of Peace, his Wife a convict Recusant, and his children Popishly bred, as is informed.

Sir *John Coney* Knight, Justice of Peace, and Deputy-Lieutenant, his Wife a Popish Recusant.

Margan *Voyle* Esquire, Justice of Peace, his Wife presented for not coming to Church, but whether she is a Popish Recusant is not known.

John *Warren* Captain of the Trained-band, one of his sons suspected to be Popishly affected.

Wherefore they humbly beseech your Majesties not to suffer your loving Subjects to continue any longer disengaged by the apparent sense of that increase both in number and power, which by the labour and countenance of such like ill-affected Governors accregeth to the Popish party; but that according to your own wisdom, goodness and piety (whereof they rest assured) you will be graciously pleased to command that Answer of your Majesties to be effectually observed, and the Parties above named, and all such others to be put out of such Commissions and Places of Authority wherein they now are in your Majesties Realm of England, contrary to the Acts and Laws of States in that behalf.

A Committee Was appointed to prepare an Answer to his Majesties Letter, which was ingrossed and allowed of, but the Copy thereof we cannot find; yet the Substance was delivered by the Speaker, Sir *Henage Finch*, in these words.

Most

## Most Gracious and Dread Sovereign,

The Commons Answer  
to his Majesty's Letter by  
the Speaker.

A " According to that liberty of access, and liberty of speech which your Majesty and your Royal Progenitors have ever vouchsafed to your House of Commons, your Majesty's most humble and loyal Subjects, the Commons now assembled in Parliament have been suitors for this access to your Royal Throne.

B " And out of their consideration of the nature, and of the weight and importance of the business, they have thought the attendance of the whole House, with their Speaker, not too solemn; and yet they have not thought fit barely to commit those words, which express their thoughts, to the trust of any man's speech, but are bold to present them in writing to your gracious hands, that they may not vanish, but be more lasting than the most powerful words of a more able Speaker like to be.

C " I have much to read, and shall therefore, as little as I can, weary your Majesty with Speeches.

D " This Parchment contains two things, the one by way of Declaration, to give your Majesty an account and humble satisfaction of their clear and sincere endeavours and intentions in your Majesty's service; and the other, an humble Petition to your Majesty, for the removal of that great Person, the Duke of Buckingham, from access to your Royal presence.

E " For the first, They beseech your most Excellent Majesty to believe, that no earthly thing is so dear and precious to them, as that your Majesty should retain them in your grace and good opinion; and it is grief to them, beyond my expression, that any mis-information, or mis-interpretation, should at any time render their words or proceedings offensive to your Majesty.

F " It is not proper for any one to hear the Echo of a Voice, that hears not the Voice; and if Echo's be sometimes heard to double and re-double, the Echo of the Echo is still fainter, and sounds not louder.

G " I need not make the application, words mis-reported, though by an Echo, or but an Echo of an Echo, at a third or fourth hand, have oft a louder sound than the voice it self, and may sound disloyalty, though the Voice had nothing undutiful or illoyal in it.

H " Such mis-informations, they fear, have begot those interruptions and diversions, which have delayed the ripening and expediting of those great Counsels, which concern your Majesty's important Service, and have enforced this Declaration.

I " I pass from that to the Petition, in which my purpose is not to urge those Reasons, which your Majesty may hear expressed in their own words in the language of the People.

J " I am onely directed to offer to your great wisdom, and deep judgment, that this Petition of theirs is such, as may stand with your Majesty's Honour and Justice to grant.

K " Your Majesty hath been pleased to give many Royal Testimonies and Arguments to the World, how good and gracious a Master you are; and that which the Queen of Sheba once said to the wisest King, may without flattery be said to your Majesty,

L " Happy are those Servants which stand continually before you:

M " Fff

N " But

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" But the Relations by which your Majesty stands in a gracious aspect towards your People, do far transcend, and are more prevalent and binding, than any relation of a Master towards a Servant; and to hear and satisfie the just and necessary desires of your People, is more honourable, than any expression of grace to a Servant.

" To be a Master of a Servant, is communicable to many of your Subjects; to be a King of People, is Regal, and incommunicable to Subjects.

" Your Majesty is truly styled with that name, which the greatest Emperors, though they borrowed Names and Titles from thole Countreys, which they gained by Conquest, most delighted in, *Pater Patriæ*. And desires of Children are preferred before thole of Servants, and the Servant abideth not in the house for ever, but the Son abideth ever.

" The Government of a King was truly termed by your Royal Father, A politick Marriage between him and his People; and I may safely say, There was never a better union between a married Pair, than is between your Majesty and your People.

Afterwards the Commons made what haste they could to perfect a Remonstrance or Declaration against the Duke, and concerning Tonage and Poundage, taken by the King since the death of his Father, without content in Parliament; which was no sooner finished, but they had intimation the King would that day dissolve the Parliament: whereupon they order'd every Member of the House to have a Copy of the Remonstrance.

And at the same time, the Lords prepared this ensuing Petition to stay his purpose in dissolving the Parliament.

May it please your Excellent Majesty,

**W**e your faithful and loyal Subjects, the Peers of this Kingdom, having received this morning a Message from your Majesty, intimating an intention to dissolve this Parliament; remembering that we are your Majesties Hereditary great Council of the Kingdom, do conceive, that we cannot deserve your Majesty's gracious opinion expressed in this Message unto us, nor discharge our duty to God, your Majesty, and our Countrey, if after expression of our great and universal sorrow, we did not humbly offer our loyal and faithful advice to continue this Parliament, by which those great and apparent dangers at home and abroad, signified unto us by your Majesty's command, may be prevented, and your Majesty made happy in the duty and love of your People, which we hold the greatest safety and treasury of a King; for the effecting whereof, our humble and faithful endeavour shall never be wanting.

The Lords sent the Vicount *Mandeville*, Earl of *Manchester*, Lord President of his Majesty's Council, the Earl of *Pembroke*, the Earl of *Carlisle*, and the Earl of *Holland*, to intreat his Majesty to give audience to the whole House of Peers. But the King returned Answer, That his Resolution was to hear no motion for that purpose, but he would dissolve the Parliament; and immediately caused a Commission to pass under the Great Seal to that purpose, *in hac verba*.

Carolus

2 Caroli.

**C**AROLUS, Dei gratia, Anglie, Scotie, Francie, & Hibernie Rex,  
Fidei Defensor, &c. Reverendissimo in Christo Patri & fidelis consiliario nostro Georgio Archiepisc. Cantuar. totius Anglie Primati & Metropolitano: sic perdilecto & fidei Consiliar. nostro Thomae Coventry militi, Lom Custod. Magni Sigilli nostri Anglie & etiam Reverendiss. in Christo Patri obit archep. Ebor. Anglie Primati & Metropolitano: Nec non charissimis Consanguineis & Consiliariis nostris Jacobo Comiti Marlborough, Thesaurario nostro Anglie; Henrico Comiti Manchester, Dom. Presidenti Consilii nostri; Edwardo Comiti Vigorn. Custod. Privati Sigilli nostri; Georgio Duci Buckingham; Iagno Admiraio nostro Anglie; Willielmo Comiti Pembroke, Camerario Hospitii nostri; Ac etiam charissimo Consanguineo nostro Edwardo, Comiti L'erset, nec non charissimo & Consiliar. nostro Phillipo Comiti Mountgomery; charissimoque Consanguineo nostro Willielmo Comiti Nothampton. Presidenti Consilii nostri infra Principalitatem & Marchias Vallie; ac chariss. Consanguineo & Consiliar. nostro Jacobo Comiti Carleol. Nec non charissimis Consanguineis nostris Johanni Comiti de Clare, Thomae Comiti Cleveland, Edmundo Comi i de Mulgrave: nec non charissimo Consanguineo & Consiliar. nostro Georgio Comiti de Totnes; charissimoque Consanguineo nostro Henrico Vicecomiti Rochford: Ac etiam reverendis in Christo Patribus Georgio Episcopo London. Richardo Episc. Dunelm. Reverendoque in Christo Patri & fideli Consiliar. nostro Lanceloto Episc. Winton. Nec non Reverendis in Christo Patribus, Samueli Episc. Norwicen. Willielmo Episc. Meneven. Ac perdilecto & fidelis Consiliario nostro Edwardo Dom. Conway. uni primorum Secretariorum nostrorum. Ac etiam perdilecto & fidelis nostro Samueli Dom. Scroop Presidentii Consilii nostri in partibus Borealibus; perdilectoque & fidelis Consiliar. nostro Fulconi Dom. Brook, Salutem.

Cum nuper pro quibusdam arduis & urgentibus negotiis, nos statum & defensionem Regni nostri Anglie & Ecclesie Anglicanae, concernentibus presens hoc Parliamentum nostrum apud Civitatem nostram Westmonasterii sexto die Februar. Anno Regni nostri primo inchoari & teneri ordinaverimus, à quo die idem Parliamentum nostrum usq; ad & instantem decimum quintum diem Junii continuatum fuerat: Sciatis quod nos pro certis urgentibus causis & considerationibus nos specialiter moventibus, idem Parliamentum nostrum hoc instanti decimo quinto die Junii dissolvendum. De fidelite igitur, prudentia & circumspectione vestris plurimum confidentes, de avisamento & assensi Consilii nostri assignavimus vos Commissionarios nostros, dantes vobis & aliquibus tribus vel pluribus vestrum, tenore presentium plenam potestatem & autoritatem hoc instanti decimo quinto die Junii ad dictum Parliamentum nostrum nomine nostro plenarie dissolvendum, & ideo vobis mandamus quod vos, vel aliqui tres vel plures vestrum, idem Parliamentum nostrum hoc instanti, decimo quinto die Junii, virtute harum Literarum nostrorum patent. plenarie dissolvatis & determinatis. Et ideo vobis mandamus quod premissa diligenter intendatis, ac ea informa predicta effectualiter expleatis & exequamini. Damus autem universis & singulis Archiepiscopis, Ducibus, Marchionibus, Comitibus, Vicecomitibus, Episcopis, Baronibus, Militibus, Civibus & Burgensibus, ac omnibus aliis quorum interest ad dictum Parliamentum nostrum conventurum, tenore presentium firmitur in mandat. quod vobis in premissis faciend agend. & exequend. pariant, obedient, & intendant in omnibus prout decet. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westm. decimo quinto die Junii, Anno Regni nostri secundo.

EDMONDS.

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This Commission being read, and the Commons present, the Parliament was dissolved on the Fifteenth day of June, 1626.

The intended Remonstrance was as followeth.

### Most Gracious Sovereign,

**W**E your loyal and faithful Subjects, the Commons assembled by your Majesty's most Royal Authority in this present Parliament, having with all dutiful affection, from the time of our first meeting, earnestly endeavoured to proceed speedily in those affairs, that might best and soonest conduce to our dispatch of the intended supply of your Majesty's great designs to the enlargement of your support, and to the enabling of our selves, and them whom we represent, to the full and timely performance of the same; have notwithstanding, by reason of divers informations, interruptions, and other preventions, been hitherto so retarded in the prosecution of these affairs, that we now thought it a necessary part of our most humble duties thus to declare, both those interruptions and preventions, with the true original and continual cause of them; as also our most earnest devotion of the Parliamentary service of your most excellent Majesty, and of the careful safety and defence of your Dominions, Crown and Dignity: And we most humbly therefore beseech your most excellent Majesty, to be graciously pleased here to cast your eye on some particulars, that have relation, as well to your first Parliament, as to this; out of which we cannot doubt, but that your great Goodness may receive an ample satisfaction touching our most loyal and faithful intentions.

In the first Parliament of the first year of your Majesty's most happy Reign over us, the Commons then assembled, after they had chearfully presented to your Majesty, as the first fruits of their affections, two entire Subsidies, were exceedingly pressed by the means of the Duke of Buckingham, and for his own ends, as we conceive, to enlarge that Supply: which when he conceived would not be there effected, he procured, for the same ends, from your Majesty, an Adjournment of the Parliament to the City of Oxford; where the Commons then taking into just consideration, the great mischiefs which this Kingdom variously hath suffered, and that chiefly by reason of the exorbitant power, and frequent misdoings of the said Duke, were entring into a Parliamentary course of examination of those mischiefs, power, and misdoings: But no sooner was there any mention made of his name to this purpose, but that he, fearing least his actions might so have been too much laid open to the view of your most excellent Majesty, and to the just Censure that might then have followed, presently, through his misinformations to your Majesty, of the intentions of your said Commons (as we have just cause to believe) procured a dissolution of the said Parliament: And afterwards also in the same year, through divers misreports made to your Majesty in his behalf, touching some Members of the said Commons, who had more particularly drawn his name into just question, and justly professed themselves adverse to his ends there, procured (as we cannot but conceive) the said Members to be made the Sheriffs of several Counties for this year

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year that followed, to the end that they might have all been precluded from being chosen Members of the present Parliament, lest they should again have there questioned him; and by the like practise also (as we are perswaded) he procured, soon after the said dissolution, another \* Member of the said House, because he had justly professed himself against his ends, to be sent as Secretary of your Majesty's last Fleet, hereby indeed to punish him, by such drawing him from his practise of the Law, which was his profession, under colour of an honourable Employment.

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It pleased your Majesty afterwards, in February last, to call this present Parliament, wherein though none of those whom the said Duke had so procured to be made high Sheriffs have late as Members; yet we finding in our selves the like affection, first to the Service of your Majesty, and next to the good of the Commonwealth, we took into serious consideration several Propositions, how for the safety and happiness of your Majesty's Kingdoms and Allies, we might enlarge your Supports, & add to the Military Strength without charge to the poorer sort of your Subjects, and give a larger Supply to your Majesty for your instant and pressing occasions, than hath ever yet but once been given in Parliament: Whereupon, for the enabling of our selves, and those whom we represent, we conceive it first necessary to search into the Causes of those Mischiefs, which this your Kingdom suffereth, and divers of the Grievances that over-burthen your Subjects; without doing of which, we could neither be faithful to your Majesty, nor to the Countrey that doth trust and employ us, as your Royal Father also, of blessed memory, admonished the House of Commons in the Fourth Session of his first Parliament. In this consideration we found, that the most pressing and comprehensive Mischief and Grievance that he suffered, was fundamentally settled in the vast power and enormous actions of the said Duke, being such, that by reason of

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his plurality of Offices, all gotten by ambition, and some for money, expressly against the Laws of your Realm; his breach of Trust, in not guarding the Seas; his high injustice in the Admiralty; his Extortion; his delivering over the Ships of this Kingdom into the hands of a Foreign Prince; his procuring of the compulsory buying of Honour for his own gain; his unexampled exhausting of the Treasures and Revenues of the Kingdom; his transcendent presumption of that unhappy applying of Physick to your Royal Father of blessed memory, few days before his death, and some other his Offences carefully and

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maturely examined by us, we made a Parliamentary Charge of the same matters and offences against him, to the Lords, by your Majesty assembled in Parliament, there expecting some Remedy by a speedy proceeding against him: But, may it please your most excellent Majesty, not onely during the time of our examination of the matters and offences of the same Charge, we were diversly interrupted and diverted by Messages procured through misinformation from your Majesty, which with most humble duty and reverence we did ever receive;

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whence it first fell out, that so not onely much time was spent amongst us, before the same Charge was perfected, but also within two days next after the same Charge was transmitted by us to the Lords: Upon untrue and malicious misinformations, privately and against the Priviledge of Parliaments, given to your Majesty of certain words supposed

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supposed to have been spoken by Sir Dudley Diggs and Sir John Elliot Knights, two of the Members of our House, in their service of the transmitting of the laid Charge, both of them having been especially employed in the Chairs of Committees with us, about the examination of the said matters and offences, they were both by yeire Majestys command committed to close imprisonment in the Tower of London, and their Lodgings presently searched, and their Papers there found, presently taken away; by reason whereof not only our known Priviledges at Parliament were infringed, but we our selves, that upon full hope or speedy course of Justice against the said Duke, were preparing with all dutiful affection to proceed to the dispatch of the Supply, and other Services to your Majestys, were then, as the Course and Privilege of Parliament binds vs, directed for divers days; to the taking enely into consideration some courses for the ratiyng and preservallion of the Priviledges so infringed; and we thank it our duties, most gracious Sovereign, most rightly to intell here by your most excellent Majestys, of the course held in the Examination of the two Members: For wheras by your Majestys Warrant to your Messengers for the arresting of them, you were pleased to command, that they should repair to their Lodgings, and there take them; your Majestys Principal Secretary, the Lord Conway, gave the said Messengers (as they affirmed) an express command, contrary to the said Warrants, that they should not go to their Lodgings, but to the House of Commons, and there take them; and if they found them not there, they should stay until they were come into the House, and apprehend them wheresoever else they should find them. Which besides that it is contrary to your Majestys command, as an apparent Testimony of some mischievous intention there had against the whole House Commons, and against the service intended to your Majestys. All which, with the several Interruptions that preceded it, and the misinformation that hath caused all of them, we cannot doubt but that they were wrought and procured by the Duke, to his own behof, and for his advantage, especially because the said interruptions have, through misinformation, come amongst us, enely at such times wherein we have had the matters and offences charged against him in agitation; but your Majestys, out of your great goodness and gracie, being afterwards informed truly of our Privilege, and the intent of the Cause that concerned our said two Members, graciously commanded the delivery of them out of the Tower, for which we render unto your Majestys most humble thanks; and were then again, by reason of our hopes of the dispatch of proceedings with the Lords, upon our Charge against him the said Duke, in a chafel purpose to go on with the matter of Supply, and other Services to your Majestys, when again these hopes failed in us, by reason of some new exorbitancies now lately shewed in the exercise of his so great power and ambition; for by such his power and ambition, notwithstanding our Declaration against him for his so great plurality of Offices, he also procured to himself, by the solicitation of his Agents, and of such as depended upon him, the Office of Chancellor of the University of Cambridge; wheras the same University having two Burgesses in Parliament, did, by the same Burgesses, a few weeks before, consent with us in the Charge against him for his ambition for procuring

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curing such a Plurality of Offices ; such was his ambition to sue for it , such was his power to make them give it him , contrary to what themselves had agreed in Parliament with all the Commons of England. And he procured also the same Office, by the special labours and endeavours ( as we are informed ) of a Factious party , who adhereth to that dangerous Innovation of Religion , published in the seditious Writings of one Richard Mountague Clerk; of whom it is thence also, and heretofore, upon other reasons , it hath been conceived, that the said Duke is, and long hath been, an Abettor and Protector.

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These actions of the said Duke have thus among us hindred the service of your Majesty, by reason both of the interruptions that have so necessary accompanied them, and of the prevention of our chearfulness, which otherwise had long since been most effectually shewed in us, that having nothing else in our cares, next to our duty to God, but the loyal Service of your Majesty, the safety of your Kingdom, and the substance of our selves and those whom we represent, for the continuance of that service and safety, which we cannot hope for : and we beseech your most excellent Majesty, graciously to receive this our humble and free protestation, That we cannot hope for it, so long as we thus suffer under the pressures of the power and ambition of the said Duke, and the divers and false Informations so given to your Majesty on his behalf, and for his advantage ; especially when we observe also, that in such his greatness, he preventeth the giving of true Information to your Majesty, in all things that may any ways reflect to his own misdoings, to shew unto your Majesty the true state of your Subjects and Kingdoms , otherwise than as it may be represented for his own ends. And to that purpose also hath he procured so many persons depending on him, either by alliance or advancement, to places of eminency near your Sacred Person. Through his misinformations of that kind also, and power, we have seen, to our great grief, both in the time of your Majesty's Royal Father of blessed memory, and of your Majesty, divers Officers of the Kingdom, so often by him displaced and altered, that within these few years past, since the beginning of his greatness, more such displacings and alterations have, by his means, happened, than in many years before them : Neither was there in the time of your Royal Father of blessed memory, any such course held, before it was by the practise of the said Duke thus induced. And since that time, divers Officers of the Crown, not onely in this your Kingdom of England, but also in Ireland, as they have been made friends or adverse to the said Duke, have been either so commended, or misrepresented by him to his Sovereign, and by his procurement so placed, or displaced, that he hath always herein, as much as in him lay, made his own ends and advantage the measure of the good or ill of your Majesty's Kingdoms.

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But now at length, may it please your most excellent Majesty, we have received from the Lords a Copy of the said Duke's Answer to our Charge transmitted against him ; whereunto we shall presently in such sort reply, according to the Laws of Parliament, that unless his power and practise again undermine our proceedings, we do not doubt but we shall upon the same have Judgment against him.

In the times also ( most gracious Sovereign ) of these interruptions which came amongst us, by reason of the procurement of

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two of our Members committed, a gracious Message was formerly received from your Majesty, wherein you had been pleased to let us know, That if you had not a timely Supply, your Majesty would betake your self to new Counsels; which we cannot doubt were intended by your most Excellent Majesty to be such as stood with Justice and the Laws of this Realm. But these words, New Counsels, were remembred in a Speech made amongst us by one of your Majesty's Privy Council, and lately a Member of us, who in the same Speech told us, He had often thought of those words, New Counsels; That in his consideration of them, he remembred that there were such kinds of Parliaments antiently among other Nations, as are now in England; That in England he saw the Countrey-people live in happiness and plenty, but in these other Nations he saw them poor both in persons and habit; or to that effect: which state and condition happened (as he said) to them, where such New Counsels were taken, as that the use of their Parliaments ended.

This intimation, may it please your Majesty, was such, as also gave us just cause, to fear there were some ill Ministers near your Majesty, that in behalf of the said Duke, and together with him, who is so strangely powerful, were so much against the Parliamentary course of this Kingdom, as they might perhaps advise your most Excellent Majesty such New Counsels as these, that fell under the memory and consideration of that Privy Counsellor. And one especial reason among others hath increased that fear among us, for that whereas the Subsidies of Tonnage and Poundage, which determined upon the death of your most Royal Father, our late Sovereign, and were never payable to any of your Majesty's Ancestors, but onely by a special Act of Parliament, and ought not to be levied without such an Act; yet ever since the beginning of your Majesty's happy Reign over us, the said Subsidies have been levied by some of your Majesty's Ministers, as if they were still due; although also one Parliament hath been since then begun, and dissolved by procurement of the said Duke, as is before shewed, wherein no Act passed for the same Subsidies. Which example is so much against the constant use of former times, and the known Right and Liberty of your Subjects, that it is an apparent effect of some new Counsels given against the antient settled course of Government of this your Majesty's Kingdom, and chiefly against the Right of your Commons, as if there might be any Subsidy, Tax, or Aid levied upon them, without their consent in Parliament, or contrary to the settled Laws of this Kingdom. But if any such do so ill an office, as by the mis-representation of the state and right of your Majesty's loyal Subjects, advise any such new Counsels as the levying any Aid, Tax, or Subsidy among your People, contrary to the settled Laws of your Kingdom, we cannot, most gracious Sovereign, but esteem them that shall so advise, not onely as Clipers, but Pests to their King and Commonwealth, (as all such were to both Houses of Parliament expressly styled by your most Royal Father) but also Capital Enemies as well to your Crown and Dignity, as to the Commonwealth. And we shall for our parts in Parliament shew as occasion shall require, and be ready to declare their offences of this kind, such as that may be rewarded with the highest punishment, as your Laws inflict on any offenders.

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2. Carolz .

A These, and some of these things, amongst many other, ( most gracious Sovereign ) are those which have so much prevented a right understanding between your Majesty and us, and which have possessed the hearts of your People and Loyal Commons with unspeakable sorrow and grief, finding apparently all humble and hearty endeavor mis-interpreted, hindred, and now at last almost frustrated utterly, by the interposition of the excessive and abusive power of one man; against whom we have just cause to protest, not only in regard of the particulars wherewith he hath been charged, which Parliamentary way we are enforced to insist upon, as matters which lie in our notice and proof, but also because we apprehend him of so unbridled Ambition, and so averse to the good and tranquility of the Church and State, that we verily believe him to be an Enemy to both: And therefore, unless we would betray our own duties to your Majesty, and those from whom we are trusted, we cannot but express our infinite grief, that he should have so great power and interest in your Princely affections, and under your Majesty wholly, in a manner, to engross to himself the Administration of your Affairs of the Kingdom, which by that means is drawn into a condition most miserable and hazardous.

B C D E F Give us then leave, most dear Sovereign, in the name of all the Commons of this your Kingdom, prostrate at the feet of your Sacred Majesty, most humbly to beseech you, even for the Honour of Almighty God, whose Religion is directly undetermined by the practise of that Party whom this Duke supports; For your Honour, which will be much advanced in the relieving of your People in this their great and general grievance; For the honour, safety, and welfare of your Kingdom, which by this means is threatened with almost unavoidable dangers; And for the love which your Majesty, as a good and loving Father, bears unto your good people, to whom we profess, in the presence of Almighty God ( the searcher of all hearts ) you are as highly esteemed and beloved, as ever any of your Predecessors were, that you would be graciously pleased to remove this Person from access to your Sacred presence, and that you would not baulk this one man with all these things, and with the Affairs of the Christian World, which do all suffer so far, as they have relation to this Kingdom, chiefly by his means. For we protest to your Majesty, and to the whole World, That until this great Person be removed from intermeddling with the great Affairs of State, we are out of hope of any good success; and do fear, that any money we shall or can give, will, through his mis-employment, be turned rather to the hurt and prejudice of this your Kingdom, than otherwise, as by lamentable experience we have found, in those large Supplies we have formerly and lately given.

But no sooner shall we receive redress and relief in this, ( which, of all others, is our most insupportable grievance ) but we shall forthwith proceed to accomplish your Majesty's own desire, for Supply, and likewise with all cheerfulness apply our selves to the perfecting of divers other great things, such as we think no one Parliament in one Age can parallel, tending to the stability, wealth, and strength, and honour of this your Kingdom, and the support of your Friends and Allies abroad: And we doubt not but

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through God's blessing, as you are the best, so shall you ever be the best beloved, and greatest Monarch that ever sat on the Royal Throne of this famous Kingdom.

The grounds and causes which the King held forth for dissolving of this, and the former Parliament, appear in the ensuing Declaration.

The King's Declaration of the causes of assembling and dissolving the two last Parliaments.

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**T**he King's most Excellent Majesty, since his happy access to the Imperial Crown of this Realm, having by his Royal Authority summoned and assembled two several Parliaments; the first whereof was in August last, by Adjournment held at Oxford and there dissolved; and the other begun in February last, and continued until the Fifteenth day of this present month of June, and then, to the unspeakable grief of himself, and (as he believeth) of all his good and well-affected Subjects, dissolved also: Although he well knoweth, that the Calling, Adjourning, Proroguing, and Dissolving of Parliaments, being his great Council of the Kingdom, do peculiarly belong unto himself by an undoubted Prerogative inseparably united to his Imperial Crown; of which, as of his other Royal Actions, he is not bound to give an account to any but to God only, whose immediate Lieutenant and Vicegerent he is in these Realms and Dominions, by the Divine Providence committed to his charge and government: Yet forasmuch as by the assistance of the Almighty, his purpose is so to order himself, and all his actions, especially in the great and publick Actions of State, concerning the weal of his Kingdoms, as may justifie themselves, not only to his own Conscience, and to his own People, but to the whole World; his Majesty hath thought fit and necessary, as the affairs now stand both at home and abroad, to make a true, plain, and clear Declaration of the Causes which moved his Majesty to assemble, and after enforced him to dissolve these Parliaments, that so the mouth of malice it self may be stopped, and the doubts and fears of his own good Subjects at home, and of his Friends and Allies abroad may be satisfied, and the deserved blame of so unhappy accidents may justly light upon the Authors thereof.

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 When his Majesty, by the death of his dear and Royal Father of ever blessed memory, first came to the Crown, he found himself engaged in a War with a Potent Enemy; not undertaken rashly, nor without just and honourable grounds, but enforced for the necessary defence of himself and his Dominions, for the support of his Friends and Allies, for the redeeming of the antient Honour of this Nation, for the recovering of the Patrimony of his dear Sister, her Consort, and their Children, injuriously, and under colour of Treaties and Friendship, taken from them, and for the maintenance of the true Religion, and invited thereunto, and encouraged therein by the humble advice of both the Houses of Parliament, and by their large promises and protestations to his late Majesty, to give him full and real assistance in those Enterprizes, which were of so great importance to this Realm, and to the general peace and safety of all his Friends and Allies: But when his Majesty entred into a view of his Treasure,

Treasure, he found how ill provided he was to proceed effectually with so great an action, unless he might be assured to receive such Supplies from his loving Subjects, as might enable him to manage the same.

Hereupon his Majesty, being willing to tread in the steps of his Royal Progenitors, for the making of good and wholsom Laws for the better Government of his People, for the right understanding of their true Grievances, and for the supply of Moneys to be employed for those publick services, he did resolve to summon a Parliament with all convenient speed he might; and finding a former Parliament already called in the life of his Father, he was desirous, for the speedier dispatch of his weighty affairs, and gaining of time, to have continued the same, without any alteration of the Members thereof, had he not been advised to the contrary by his Judges and Council at Law; for that it had been subject to question in Law, which he desired to avoid. But as soon as possible he could, he summoned a new Parliament, which he did with much confidence and assurance of the love of his People, that those (who had, not long before, with some importunity, won his Father to break off his former Treaties with Spain, and to effect it, had used the mediation of his now Majesty, being then Prince, and a Member of the Parliament, and had promised in Parliament their utmost assistance, for the enabling of his late Majesty to undergo the War, which they then foresaw might follow) would assuredly have performed it to his now Majesty, and would not have suffered him, in his first Enterprize of so great an exraction, to have run the least hazard through their defaults.

This Parliament (after some Adjournment, by reason of his Majesty's unavoidable occasions interposing) being assembled on the Eighteenth day of June, it is true, that his Commons in Parliament taking into their due and serious consideration the manifold occasions, which, at his first entry, did press his Majesty, and his most important affairs, which, both at home and abroad, were then in action, did, with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first fruits of the most dutiful affections of his loving and loyal Subjects, devoted to his service, present his Majesty with the free and cheerful gift of two entire Subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept: But when he had more narrowly entered into the consideration of his great affairs, wherein he was embarked, and from which he could not, without much dishonour and disadvantage withdraw his hand, he found, that this sum of money was much short of that, which of necessity must be presently expended, for the setting forward of those great Actions, which, by advice of his Council, he had undertaken, and were that Summer to be pursued. This his Majesty imparted to his Commons House of Parliament; but before the same could receive that debate and due consideration which was fit, the fearful visitation of the Plague in and about the Cities of London and Westminster, where the Lords and the principal Gentlemen of Quality of his whole Kingdom were for the time of this their service, lodged and abiding, did so much increase, that his Majesty, without extremal peril to the lives of his good Subjects, which were dear unto him, could not continue the Parliament any longer in that place.

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His Maj. sy therefore, on the eleventh day of July then following, adjourned the Parliament from Westminster, until the first day of August then following, at the City of Oxford. And his Highnes was so careful to accomodate h.s Lords and Commons there, that as he made choice of that place, being then the freest of all others from the danger of that grievous Sicknes, so he there fitted the Parliamentmen with all things convenient for their entertainment: And his Majesty himself being in his own heart sincere and fræ from all Ends upon his People, which the Searcher of hearts best knoweth, he little expected, that any misconstruction of his actions would have been made as he there found. But when the Parliament had been a while assembled, and his Majestys affairs opened unto them, and a further Supply desired, as necessity required, he found them so slow, and so full of delays and diversions in their Resolutions, that before any thing could be determined, the fearful Contagion daily increased, and was dispersed into all parts of this Kingdom, and came home even to their doors where they assembled. His Majesty therefore rather preferred the safety of his People from that present and visible danger, than the providing for that which was more remate, but no lesse dangerous to the State of this Kingdom, and of the affairs of that part of Christendom whch then were, and yet are in friendship and alliance with his Majesty. And thereupon his Majesty, not being then able to discern when it might please God to stay his hand of Visitation, nor what place might be more secure than other, at a time convenient for their re-assembling, his Majestydissolbed that Parliament.

That Parliament being now ended, his Majesty did not therewith cast off his Royal care of his great and important affairs; but by the advice of his Privy-Council, and of his Council of War, he continued his preparations, and former resolutions; and therein not only expended those moneys, whch by two Subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion, as he found the state of his Exchequer at his first entrance, but added much more of his own, as by credit, and the credit of some of his Servans he was able to compass the same. At last, by much disadvantage, by the retarding of provisions, and uncertainty of the means, his Navy was prepared and set to Sea, and the Designs unto which they were sent and specially directed, were so probable, and so well advised, that had they not miscarried in the execution, his Majesty is well assured they would have given good satisfaction, not only to his own People, but to all the world, that they were not lightly or unadvisedly undertaken and pursued. But it pleased God, who is the Lord of Hosts, and unto whose providence and good pleasure his Majesty doth, and shall submit himself, and all his endeavours, not to give that success which was desired: And yet were those attempts not altogether so fruitless as the envy of the times hath apprehended, the Enemy thereby receiving no small loss, nor our Party no little advantage. And 'would much avail to further his Majestys great affaire, and the peace of Christendom, which ought to be the true end of all hostility, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his Majesty intended, and as, in the judgment of all men, conuersant in his actions of this nature, were fit not to have been neglected.

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These things being thus acted, and God of his infinite goodness, beyond expectation, allwaging the rage of the Pestilence, and, in a manner, of a sudden restoring health and safety to the Cities of London and Westminster, which are the fittest places for the resort of his Majesty, his Lords and Commons to meet in Parliament; his Majesty in the depth of Winter, no sooner descried the probability of a safe assembling of his people, and in his Princely wisdom and providence soe saw, that if the opportunity of Seals should be omitted, preparations both defensive and offensive could not be made in such sort as was requisite for their common safety, but he advised and resolved of the summoning of a new Parliament, where he might freely communicate the necessities of the State, and the counsel and advice of the Lords and Commons in Parliament, who were the representative Body of the whole Kingdom, and the great Council of the Realm, might proceed in these enterprizes, and he enabled thereunto, which concern the common good, safety and honour both of Prince and People; and accordingly the fifth of February last, a new Parliament was begun. At the first meeting, his Majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making good Laws, which are the ordinary subject for a Parliament.

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His Majesty believing, that they could not have suffered many days, much less many weeks, to have passed by, before the apprehension and care of the common safety of this Kingdom, and the true Religion, professed and maintained therein, and of our Friends and Allies, who must prosper, or suffer with us, would have led them to a due and timely consideration of all the means which might best conduce to those ends; which the Lords of the Higher House, by a Committee of that House, did timely and reasonably consider of, and invited the Commons to a Conference concerning that great busines: At which Conference there were opened unto them the great occasions which pressed his Majesty; which making no impression with them, his Majesty did, first, by Message, and after by Letters, put the House of Commons in mind of that which was most necessary, the defence of the Kingdom, and due and timely preparations for the same.

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The Commons House after this, upon the 27 of March last, with one unanimous consent at first, agreed to give unto his Majesty three entire Subsidies, and three Fifteens, for a present Supply unto him; and upon the 26 of April after, upon second cogitations, they added a fourth Subsidy, and ordered the days of payment for them all, whereof the first should have been on the last day of this present June. Upon this, the King of Denmark, and other Princes and States, being engaged with his Majesty in this common Cause, his Majesty fixed his occasions according to the times which were appointed for the payment of those Subsidies and Fifteens, and hastened on the Lords Committees, and his Council of War, to perfect their resolutions for the ordering and setting of his designs; which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their Counsels, but want of Money to put things into action. His Majesty hereupon, who had with much patience expected the real performance of that which the Commons had promised, finding the time of the year passing away, and having intelligence not only

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from his own Ministers and Subjects in Foreign parts, but from all parts of Christendom, and of the great and powerful preparations of the King of Spain, and that his design was upon this Kingdom, or the Kingdom of Ireland, or both, (and it is hard to determine which of them would be of worst consequence) he acquainted the House of Commons therewith, and laid open unto them truly and clearly, how the state of things then stood, and yet stand, and at several times, and upon several occasions reiterated the same: But that House being abused by the violent and ill advised passions of a few Members of the House, for private and personal ends, ill beseeming publick persons, trusted by their Country, as then they were, not only neglected, but wilfully refused to hearken to all the gentle admonitions which his Majesty could give them, and neither did nor would intend any thing, but the prosecution of one of the Peers of this Realm, and that in such a disordered manner, as being set at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his Majesty allowed, they were not therewith content, but in their intemperate passions, and desires to seek for Errors in another, fell into a greater Error themselves, and not only neglected to give just satisfaction to his Majesty in several cases which happened concerning his Regality, but wholly forgot their engagements to his Majesty for the publick defence of the Realm: Whereupon his Majesty w<sup>rte</sup> the foermentioned Letter to the Speaker, dated the ninth day of June, 1626.

Notwithstanding which Letter read in the House, being a clear and gracious Manifest of his Majesty's Resolutions, they never so much as admitted one Reading to the Bill of Subsidies, but instead thereof, they prepared and voted a Remonstrance or Declaration, which they intended to present to his Majesty, containing (though palliated with glossing terms) as well many honourable aspersions upon his Majesty, and upon the sacred memory of his deceased Father, as also dilatory excuses for their not proceeding with the Subsidies, adding thereto also coloured conditions, crossing thereby his Majesty's direction; which his Majesty understanding, and esteeming (as he had cause) to be a denial of the promised Supply, and finding, that no admonitions could move, no reasons or persuasions could prevail, when the time was so far spent, that they had put an impossibility upon themselves to perform their promises, which they esteemed all gracious Messages unto them to be but interruptions: His Majesty upon mature advisement, discerning that all further patience would prove fruitless, on the Fifteenth day of this present month he hath dissolved this unhappy Parliament: the acting whereof, as it was to his Majesty an unexpressible grief, so the memory thereof doth renew the hearty sorrow, which all his good and well affected Subjects will compassionate with him.

These passages his Majesty hath at the more length, and with the true circumstances thereof, exprested and published to the world, lest that which hath been unfortunate in it self, through the malice of the Author of so great a mischief, and the malevolent report of such as are ill affected to this State, or the true Religion here professed, or the fears or jealousies of Friends and dutiful Subjects, might be made more unfortunate in the consequences of it, which may be of worse effect

2. *Caroli.*

- A effect than at the first can be well apprehended; and his Majesty, being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true Religion professed in the Church of England, and to free it from the open contagion of Popery, and secret infection of Schism, of both which, by his publ.ck Acts and Actions, he hath given good testimony, and with a single heart, as in the presence of God, who can best judge thereof, purposeth resolutely and constantly to proceed in the due execution of either; and observing the subtily of the adverse party, he cannot but believe that the hand of Joab hath been in this disaster, that the common Incendiaries of Christendom have subtly and secretly insinuated those things, which unhappy (and, as his Majesty hopeth, beyond the intentions of the Actors) have caused these diversions and distractions: and yet notwithstanding, his most excellent Majesty, for the comfort of his good and well-affected Subjects, in whose loves he doth repose himself with confidence, and esteemeth it as his greatest riches; for the assuring of his Friends and Allies, with whom, by God's assistance, he will not break in the substance of what he hath undertaken; for the discouraging of his Adversaries, and the Adversaries of his Cause, and of his Dominions, and Religion, hath put on this resolution, which he doth hereby publish to all the World, That as God hath made him King of this great People, and large Dominions, famous in former Ages both by Land and Sea, and trusted him to be a Father and Protector both of their Persons and Fortunes, and a Defender of the Faith, and true Religion; so he will go on cheerfully and constantly in the defence thereof (and notwithstanding so many difficulties and discouragements) will take his Sceptre and Sword into his hand, and not expose the Persons of the People committed to his charge to the unsatiable desires of the King of Spain, who hath long thirsted after the Universal Monarchy, nor their Consciences to the yoke of the Pope of Rome: And that at home he will take that care to redress the just grievances of his good Subjects, as shall be every way fit for a good King.
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And in the mean time his Majesty doth publish this to all his loving Subjects, that they may know what to think with truth, and speak with duty, of his Majesty's actions and proceedings in these two last dissolved Parliaments.

E Given at his Majesty's Palace at Whitehal this Thirteenth day of June, in the second year of his Majesty's Reign of Great Britain, France, and Ireland.

F Moreover the King published a Proclamation, taking notice of a Remonstrance drawn by a Committee of the late Commons House, and by them intended to have been presented to him, wherein, he said, are many things contained to the dishonour of himself, and his Royal Father of blessed memory, and whereby, through the sides of a Peer of this Realm, they wound their Sovereign's honour; as also, that some Members of that House, ill-affected to his Service, to vent their own passions against that Peer, and to prepossess the world with an ill opinion of him, before his Cause were heard in a Judicial way, have before-hand scattered Copies of that

The King takes notice of the intended Remonstrance in a Proclamation.

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that intended Declaration, whereby to detract from their Sovereign. Wherefore his Majesty, for the suppressing of his insufferable wrong to himself, doth command, upon pain of his indignation and high displeasure, all persons of whatsoever quality, who have, or shall have, hereafter, any Copies or Notes of the said Remonstrance, or shall come to the view thereof, forthwith to burn the same, that the memory thereof may be utterly abolished, and never give occasion to his Majesty to renew the remembrance of that, which, out of his grace and goodness, he would gladly forget.

Another Proclamation against preaching or disputing the Arminian Controversies, pro or con.

In another Proclamation, the King declared his Religious care of the Peace of this Church and Commonwealth of *England*, and other his Dominions, and taking notice, that in all Ages great disturbances, both to Church and State, have ensued out of small beginnings, when the seeds of contention were not timely prevented; and finding, that of late, some Questions and opinions seem to have been broached in matters of Doctrine and Tenets of our Religion, at first only intended against Papists, have afterwards, by the sharp and indiscreet handling of some of either Party, given much offence to the sober and well-grounded Readers, and raised some hopes in the Roman Catholicks, that, by degrees, the Professors of our Religion may be drawn first to Schism, and afterwards to plain Popery. His Majesty, in the integrity of his own heart, and singular Providence, for the peaceable government of that People, which God hath committed to his charge, hath thought fit, by the advice of his Reverend Bishops, to declare and publish, not only to his own People, but also to the whole world, his utter dislike of all those, who to shew the subtlety of their Wits, or please their own humors, or vent their own passions, shall adventure to start any new Opinions, not only contrary to, but differing from the sound and Orthodox grounds of the Religion, established in the Church of *England*; and also to declare his full and constant Resolution, that neither in Doctrine nor Discipline of the Church, nor in the Government of the State; he will admit of the least innovation, but, by God's assistance, will so guide the Sceptre of these Kingdoms, as shall be most for the comfort and assurance of his sober, religious, and well-affected Subjects, and for the repressing and severe punishing of the insolencies of such, as out of any sinister respects or disaffection to his Majesty's Person or Government, shall dare, either in Church or State, to disturb the Peace thereof: Wherefore he doth straitly charge and command all his Subjects of his Realms of *England* and *Ireland*, of what degree soever, especially those who are Church-men, from henceforth to carry themselves so wisely, warily, and conscientiously, that neither by Writing, Preaching, Printing, Conferences, or otherwise, they raise, publish, or maintain any other Opinions concerning Religion, than such as are clearly warranted by the Doctrine and Discipline of the Church of *England*, established by Authority. And enjoyneth his Reverend Archbishops and Bishops in their several Dioceses, speedily to reclaim and repress all such spirits, as shall in the least degree attempt to violate this Bond of Peace; and all the Ministers of Justice were required to execute his Majesty's Pious, and Royal pleasure herein expressed; and if any shall take the boldness to neglect this gracious Admonition, his Majesty will proceed against such offenders with that severity, as their contempt shall deserve, that by their exemplary punishment, others may be warned, and that those that be studious of the peace and prosperity of this Church, and

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Common-wealth, may bless God for his Majesties pious, religious, wise, just and gracious Government.

2 Caroli.

The effects of this Proclamation, how equally soever intended, became the stopping of the Puritans mouths, and an uncontrolled liberty to the Tongues and Pens of the Arminian Party.

**A** Shortly after, an Information was preferred, by the Kings special command, in the *Star-chamber*, against the Duke of *Buckingham*, for high offences and misdemeanors; wherein he was charged (amongst other things) with the particulars mentioned in the last Article exhibited against him by the House of Commons, concerning the Plaister applied to King *James*. To which the Duke put in this Answer, and divers Witnesses were examined. But the cause came not to a judicial hearing in the Court, as it is afterwards expressed.

The King commands an Information to be preferred against the Duke in *Star-chamber*.

**B** And now the King taking into consideration the present straits and inconveniences, into which the Revenue of the Crown was fallen, and the pressing necessity of his Affairs, did, by the advice and instance of his Council, resolve and declare, That all men of what quality and condition soever, shall, from henceforth, upon pain of his displeasure, forbear two years space to present or solicit any suit for any thing prohibited in the Book of *Bounty*, published in King *James* his time, or any other things that shall import the diminution of his Majesties Revenue.

The King forbids to solicit any Suit prohibited in the Book of *Bounty*.

**C** And for the advancement of the said Revenue arising by Customs, Subsidies, and Imposts upon all Goods and Merchandizes, exported and imported.

The Council order all Customs to be paid.

The Privy-Council declared, That it hath been constantly continued for many Ages, and is a principal and most necessary part of the Revenue of the Crown; and that in the two last Parliaments it hath been thought upon, but could not be settled by their Authority, by reason of their dissolution, before the matters therin treated could be brought to perfection: Nevertheless, that it was then intended to have been confirmed by Parliament, as it hath been from time to time by many Descents and Ages.

Whereupon they ordered, That all such Duties and Merchandizes shall be levied and paid: and they advised the King, That the Attorney General prepare for his Majesties Signature an Instrument, which may pass under the great Seal of *England*, to declare his pleasure therein, until by Parliament, as in former times, it may receive an absolute settlement: which passed the Great Seal accordingly.

And Forfeitures arising from Recusants.

**F** The Forfeitures arising to the Crown by execution of the Laws against Priests, Jesuits, and Popish Recusants, were dedicated to the vast and growing charge of the Designs in hand. And complaint being made against Inferior Officers, whose service was herein employed, that they had misdemeaned themselves, to the oppressing of Recusants, without advantage to the King; Commissioners of Honourable Quality were appointed for the regulating of these proceedings; yet no liberty given to the encouragement or countenance of such dangerous persons, as might infect the People, or trouble the Peace of Church and State,

The King therefore grants a Commission under the Great Seal, directed to the most Reverend Father in God, *Toby* Archbishop of *York*, *Sir John Savile Knight*, *Sir George Manners*, *Sir Henry Slingsby*, *Sir William Hh h*

A Commission to compound with Recusants.

An. 1626.

*William Ellis Knights, and to divers other Knights and Gentlemen, and therein recites.*

A That his Majesty hath received credible Information of the great loss and damages which the Kings Subjects, living in Maritime Towns, especially in the Northern parts, do suffer by depredations, attempts and assaults at Sea from Foreign Enemies, whereby Trade from those parts is interrupted, and the City of London much endangered for want of Coals and other Commodities, usually transported thither from Newcastle upon Tine: For redress of which evil, his Majesty doth think fit to appropriate and convert all such Debts, sums of Money, Rents, Penalties, and Forfeitures of all Recusants inhabiting in the Counties of York, Durham, Northumberland, Cumberland, Westmerland, Lancaster, Nottingham, Derby, Stafford, and Chester, which at any time have grown due since the Tenth year of King James, and are not yet satisfied, or which hereafter shall grow due by reason of any Law or Statute against Recusants, to be employed for the maintenance, provision, arming, manning, victualling, and furnishing of Six able Ships of War for guarding and defending the Coast of this Realm, from the furthest North-East point of the Sea, unto the mouth of the River of Thames. His Majesty further expressing in the said Commission, That his Subjects who are owners of Coal-pits, the Oast-men of Newcastle upon Tine, owners of Ships and Merchants, Buyers and Sellers of Newcastle Coals, have been and are willing to contribute and pay for every Chaldron for the uses aforesaid. Wherefore his Majesty upon the considerations before-mentioned, doth by his said Commission give power unto the said Commissioners, or any four or more of them, to treat and make Composition and Agreement with the said Recusants, inhabiting within the said Counties, for Leases of all their Manors, Lands, Tenements, &c. within those Counties for any term of years, nor exceeding One and forty years; and for all Forfeitures due since the tenth year of King James for their Recusancy, in not going to Church to hear Divine Service, according to the Laws and Statutes of this Realm, under such Condition and Immunities, as they or any four of them shall see meet and convenient, according to such Instructions as his Majesty hath or shall give to that purpose; his Majesty rather desiring their Conversion than Destruction. And such Leases his Majesty doth declare, made to the said Recusants themselves, or to any persons for their use, shall be good and effectual, any Law or Statute to the contrary notwithstanding.

B And by the said Commission Sir John Savile was appointed Receiver of all such sums of Money as shall be paid upon these Leases; and Mr. Alexander Davison of the Town of Newcastle upon Tine, Merchant Adventurer, was appointed to receive out of the voluntary and free-will Contribution of the Owners, Buyers, and Sellers of Coals, the Six pence per Chaldron of Coals. In pursuance of this Commission, the Recusants did make their Composition upon very easie terms, as was afterwards complained of in Parliament.

C A Proclamation was published, declaring the Kings Resolution to make his Revenue certain, by granting his Lands, as well holden by Copy, as otherwise, to be holden in Fee-farm.

A Proclama-  
tion to make  
the Kings Re-  
venue certain.

To

To the Nobles the King sent particularly to let them know, That according to the Presidents of former times, wherin the Kings and Queens of *England*, upon such extraordinary occasions have had recourse to those Contributions which arode from the Subjects in general, or to the private helps of some that were well affected ; he doth now expect from them such a large and chearful testimony of their Loyalty , as may be acceptable to himself, and exemplary to his People.

2 Caroli.  
The King sends to the Nobles to lend him liberally.

A His Majesty demanded of the City of *London* the Loan of an hundred thousand pounds. But the Peoples excuses were represented unto the Council-Table by the Magistrates of the City. Immediately the Council sent a very strict command to the Lord Mayor and Aldermen, wherein they set forth the Enemies strong preparations as ready for an Invasion, and the Kings great necessities, together with his gracious and moderate Proposals in the Sum required, and the frivolous pretences upon which they excuse themselves: Wherefore they require them, all excuses being set apart, to enter into the busines again, and to manage the same, as appertaineth to Magistrates so highly intrusted: and in a time of such necessities, and to return to his Majesty a direct and speedy Answer, that so he may know how far he may rely upon their Faith and Duty; or in default thereof, may frame his Counsels as appertaineth to a King in such extreme and important occasions.

He demands of the City the Loan of one hundred thousand pounds.

B Moreover, a peculiar charge was laid upon the several Ports and Maritime Countries, to furnish and set out Ships for the present service. The Privy-Council expressing his Majesties care and providence to guard his own Coasts, against attempts from *Spain* and *Flanders*, by arming as well the Ships of his Subjects, as of his own Navy , made a distribution to every Port, that with the Assistance and Contribution of the Counties adjoining, they prepare so many Ships as were appointed to them severally ; and in particular the City of *London* was appointed to set forth Twenty of the best Ships that lay in the River, with all manner of Tackle, Sea-stores, and Ammunition, Manned and Victualled for three moneths.

The Port-Towns are to furnish Ships.

C The Deputy-Lieutenants and Justices of the Peace at *Dorset*, having received the Kings commandment for the setting forth of Ships from the Ports of *Poole*, *Weymouth*, and *Lyme*, with the assistance of Contributions from the Counties adjoining, presented to the Council-Table an excuse in the behalf both of the Ports and County, and pleaded, That the Case was without President.

The Ports of Dorsetshire send an excuse

E The Council gave them a check, for that instead of conformity, they disputed the Case, letting them know, That State-occasions, and the defence of the Kingdom in times of extraordinary danger, were not to be guided by ordinary Presidents.

The City of London desire an abatement of their Ships.

F In like manner the Lord Mayor and Commonalty of *London* petitioned the Council for an Abatement of the twenty Ships rated upon them, unto ten Ships and two Pennaces, alledging disability : Whereunto the Council gave this following Answer, That the former commandment was necessary, the preservation of the State requiring it; and that the Charge imposed on them was moderate, as not exceeding the value of many of their private Estates: That Petitions and Pleadings to this Command, tend to the danger and prejudice of the Common-wealth, and are not to be received: That as the Commandment was given to all in general, and every particular of the City ; so the State will require an account both of the City in general, and of every particlar.

Are checkt by the Council.

An. 1626.



And whereas they mention Presidents, they might know, that the Presidents of former times were Obedience, not Direction; and that Presidents were not wanting for the punishment of those that disobey his Majesties commands, signified by that Board, which they hope shal have no occasion to let them more particularly understand.

Hercupon the Citizens were glad to submit, and declared their consent to the Kings demands, and by Petition to the Council had the favour to nominate all the Officers of these twenty Ships, the Captains onely excepted, the nomination of whom appertaineth to the Lord High Admiral of *England*. A

Privy Seals if-  
sued out.

Then there were likewise issued forth Privy Seals to several persons; to others the way of Benevolence was proposed.

And because the late Parliament resolved to have given the King Four Subsidies and Three Fifteens, the Sums which the King required, were according to that proportion. And to prevent misunderstanding, it was declared unto the Countrey, that the Supplies now demanded were not the Subsidies and Fifteens intended to be given by the Parliament, but meerly a free gift from the Subject to the Sovereign, upon such weighty and pressing occasions of State. B

The Justices of Peace in the several Counties were directed by the Privy Council to send for Persons able to give, and to deal with them singly, by using the most prevailing persuasions.

A Fast ob-  
served.

Amidst these preparations, the Kingdom being exposed to dangers, both Foreign and Domestick, a general Fast was held on the fifth of *July*, in the Cities of *London* and *Westminster*, and places adjacent; and on the second of *August* throughout the Kingdom, to implore a blessing upon the endeavours of the State, and the diverting of those judgments which the sins of the Land deserve and threaten. C

Comissions  
to Deputy  
Lieutenants to  
Muster, Try,  
and Array  
men.

And for the defence of this Realm, threatned with a powerful Invasion, extraordinary Comissions were given to the Lords Lieutenants of the several Counties, to muster the Subjects of whatsoever degree or dignity, that were apt for War, and to try and array them, and cause them to be armed according to the degrees and faculties, as well men of Arms as other Horsemen, Archers and Footmen, and to lead them against publick Enemies, Rebels and Traitors, and their adherents, within the Counties of their Lieutenancy, to expell, slay, and subdue them, and to execute Martial Law, sparing and putting to death according to discretion. D

And in case of Invasions, Insurrections, Rebellions, and Riots, without the limits of their respective Counties, to repair to the places of such Commotions, and, as need required, to repress them by Battel, or any forcible means or otherwise, either by the Law of this Realm, or the Law Martial. E

Inhabitants  
withdrawn  
from Ports and  
Sea-Towns, re-  
quired to re-  
turn.

In like manner, lest the deserting of the Coasts, Ports, and Sea-Towns, should expose those places to become a prey, and invite the Enemy to an Invasion, the Inhabitants, and those that had withdrawn themselves to Inland places, were required to return with their Families and Retinues, and there to abide during those times of Hostility and Danger. F

Ships sent to  
the River of  
*Elbe*.

And for the securing of the Coasts from *Spain* or *Flanders*, some of the Kings Ships were employed in the River *Elbe*, to prevent the furnishing of *Spain* from those parts with materials for Shipping; which occasioned a great discontent in those of *Hamburgh*, for that their Neighbours of

of *Lubeck*, and other Towns of the East-Sea, were free from this restraint ; insomuch that they resolved to force their passage by a Fleet of fifty or threescore sail of Ships.

A Whereupon the Lord Admiral informed the Council, that his Majesties charge at *Hamburgh* was expended to little purpose, except also the Sound could be shut up against all Shipping that should carry prohibited Commodities, especially since the *Hamburghers* send their Commodities by Land to *Lubeck*, to be transported from thence into *Spain*; and that the States and the King of *Denmarks* Ships are departed from the *Elbe*, and have left the English alone.

B Moreover the King prepared a Royal Fleet, which was now at *Portsmouth*, ready to put to Sea under the command of the Lord *Willoughby*, and given out to be designed for *Barbary*.

C The King of *Denmark* having put forth a Declaration of the causes and grounds wherefore he took up Arms against the Emperor, declared one cause thereof to be:

2 *Caroli.*

A Fleet prepared.  
The King of  
*Denmarks*  
Declaration  
why he takes  
up Arms a-  
gainst the  
Emperor.

D *Osman* the Elector Palatine, by the procurement of the King of Great Britain, and him the King of Denmark, had offered the Submission to his Imperial Majesty, and to crave pardon; and thereupon was in hopes to have his Patrimony, with the Dignities of his Ancestors, restored: Yet notwithstanding, the Emperor did still commit great Spials and acts of Hostility in his Countrey, giving no regard to the said Submission, and had much dammified the Lower Saxony, by the Forces which he had brought thither under *Tilly*.

E Whereupon (he says) the Princes of the Lower Saxony have desired the aid and assistance of him the King of Denmark, to settle the Peace and Liberty of Germany, who was resolved to take up Arms, and with whom he was resolv'd to joyn, having the like assurance from the King of Great Britain, who had deeply engaged to assist in this War, for the Restitution of the Elector Palatine,

F Therefore the King of Denmark declares, That seeing all Prayers, Mediations and Accessions, cannot prevail with his Imperial Majesty, he will endeavour to procure a Peace and Settlement by force, which he should have been glad would have been obtain'd unto him upon fair terms of Treaty.

A Battel be-  
tween the  
*Dane* and  
Emperor.

G In the beginning of the year, divers Towns were taken by the King of *Denmark*, and some retaken by *Tilly*; but the seven and twentieth of August decided the Controversie: on which day, the King of *Denmark*, upon the approach of *Tilly* (desiring to decline Battle with the Emperors old Soldiers, many of his own men being new levied Soldiers) endeavoured to make his retreat: but *Tilly* followed so close his Rear-guard, that he kept them in continual action, till the King of *Denmark* saw no remedy, but that he must either fight, or lose the Rear of his Army, and Train of Artillery. Whereupon his Commanders advised him to resolve of a place of advantage, and face about, and give Battel; which accordingly they did, and both Armies drew near *Luttern*; the *Denmark* Forces had the advantage of the ground, *Tilly* being much scanty in the Rear of his Army, for want of ground to place his Reserves in. The *Dane* stood to the shock a while, but was presently put to his Retreat, and all his Infantry dispersed, Train of Artillery taken, and two and twenty Pieces of Canon. He lost many great Commanders in the Fight, and many were taken Prisoners.

In

An. 1626.  
The over-thrown  
of the King of Denmark, an inducement to the raising of Moneys by Loan.

A Declaration concerning Loan-Money.

Private Instructions to the Commissioners for the general Loan.

In the moneth of September, the King being informed of the disaster that had befalln his Uncle (and principally also) the King of Denmark, whose engagement was chiefly for the Cause of the Elector Palatine, commanded his Council to advise by what means and ways he might fitly and speedily be furnished with moneys suitable to the importance of the undertaking.

Hereupon, after a consultation of divers days together, they came to this resolution, That the urgency of Affairs not admitting the way of Parliament, the most speedy, equal, and convenient means were, by a general Loan from the Subject, according as every man was assed in the Rolls of the last Subsidy.

Upon which Result, the King forthwith chose Commissioners for the Loan, and caused a Declaration to be published, wherein he alledged for this course of Supply, the Reasons set down at large in his late Declaration touching the Dissolution of the Parliament. Adding further, That the urgency of the occasion would not give leave to the calling of a Parliament; but assuring the People, that this way should not be made a President for the time to come to charge them or their Posterity, to the prejudice of their just and ancient Liberties enjoyed under his most noble Progenitors; endeavouring thereby to root out of their minds the suspicion, that he intended to serve himself of such ways, to the abolishing of Parliaments: and promising them in the word of a Prince, first, to repay all such sums of money as should be lent without Fee or Charge, so soon as he shall in any ways be enabled thereunto, upon shewing forth the Acquittance of the Collectors, testifying the Receipt thereof. And secondly, That not one penny so borrowed, should be bestowed or expended, but upon those publick and general Services, wherein every of them, and the Body of the Kingdom, their Wives, Children, and Posterity, have their Personal and common Interest.

Private Instructions were given to the Commissioners, how to behave themselves in this Negotiation.

As first, That they should themselves, for a good example to others, lend unto his Majesty the several sums of money required of them, testifying it by their names, with their own hands, That when they shall in his Majesties name require others to lend, they may discern the said Commissioners forwardnes.

Secondly, To take for their guide those Rates, at which men were assed in the Book of the last Subsidy, and to require the Loan of so much money, as the entire rate and value comes to, at which they are rated and set; as (namely) he that is set an hundred pounds in Goods, to lend a hundred marks; and he that is set an hundred pounds in Land, to lend a hundred pounds in money; and so per rata for a greater or lesser sum.

Thirdly, To use all possible endeavours to cause every man willingly and chearfully to lend, opening unto them the necessity and unavoidableness of this course, the Honour and Reputation of the Nation, the true Religion and common safety of Prince and People, of our Friends and Allies engaged in the common Cause; that there is no time now of disputing, but of acting.

Fourthly, That they appoint the days of payment to be within fourteen days, and perswade such as shall be able, to pay it at one entire payment, the better to accommocdate his Majesties occasion; otherwise to accept of the one half at fourtcen days, and the other

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A to be paid before the twentieth of December, now next coming.

B Fifthly, That they treat apart with every one of those that are to lend, and not in the presence or hearing of any other, unless they see cause to the contrary. And if any shall refuse to lend, and shall make delays, or excuses, and persist in their obstinacy, that they examine such persons upon Oath, whether they have been dealt withall to deny or refuse to lend, or make an excuse for not lending? Who hath dealt so with him, and what speeches or persuasions he or they have used to him, tending to that purpose? And that they shall also charge every such person in his Majesties name, upon his Allegiance, not to disclose to any other what his Answer was.

C Sixthly, That they shew their discretion and affections, by making choice of such to begin with, who are likely to give the best examples; and when they have a competent number of Hands to the Roll or List of the Leaders, that they shew the same to others to lead them in like manner.

D Seventhly, That they endeavour to discover, whether any publickly, or underhand, be workers or persuaders of others to dissent from, or dislike of this course, or hinder the good disposition of others. And that, as much as they may, they hinder all discourse about it, and certify to the Privy-Council in writing the names, qualities, and dwelling-places of all such refractory persons with all speed, and especially if they shall discover any Combination or Confederacy against these proceedings.

E Eighthly, That they let all men know whom it may concern, that his Majesty is well pleased, upon lending these Sums required, to remit all that which by Letters, in his name, was desired upon the late Benevolence for Free-grant; and what ever hath been already paid upon that account, shall be accepted for part of this Loan; and if it exceed the Sum desired, that the overplus shall be repaid without Fee or Charge; so likewise for Privy-Seals, if any have been already paid: But if not, that the agreeing of the Loan of the Sum required, be excused of the payment of the Privy-Seal.

F Ninthly, That they admit of no Suit to be made, or Reasons to be given for the abating of any Sum, the time and instant occasion not admitting any such dispute, which would but disturb and protract the Sheriff.

Lastly, the Commissioners were required and commanded, upon their Faith and Allegiance to his Majesty, to keep secret to themselves, and not impart or disclose these Instructions to others.

To the Imposition of Loan was added, the burthen of Billeting of Soldiers formerly returned from Cadiz, and the Moneys to discharge their Quarters were for the present levied upon the Countrey, to be repaid out of Sums collected upon the general Loan.

The Companies were scattered here and there in the bowels of the Kingdom, and governed by Martial Law: The King gave Commissions to the Lords Lieutenants and their Deputies, in case of Felonies, Robberies, Murders, Outrages, or Misdemeanors, committed by Marriners, Soldiers, or other disorderly persons joyning with them, to proceed according to certain Instructions, to the Trial, Judgment, and Execution of such Offenders, as in time of War; and some were executed by those Commissions.

Billeting of  
Soldiers.

Commiss.  
for Martial  
Law.

Nevertheless

An. 1626.

Nevertheless, the Soldiers brake out in great disorders; they mastered the People, disturbed the peace of Families, and the Civil Government of the Land, there were frequent Robberies, Burglaries, Rapes, Rapines, Murthers, and barbarous Cruelties: Unto some places they were sent for a punishment; and where ever they came, there was a general outcry. The High-ways were dangerous, and the Markets unfrequent-ed; they were a terror to all, and undoing to many.

The Lords to  
advance the  
Loan.

Sir Randolph  
Crew remov-  
ed from his  
place, for not  
furthering the  
Loan.

Informations  
sent to the  
Council-Ta-  
ble against the  
Bishop of  
Lincoln.

The Bishop re-  
fuses to pro-  
ceed *Ex Officio*  
against the  
Puritans.

\* Meaning the  
Petition a-  
gainst Recu-  
lants at Ox-  
ford.

Divers Lords of the Council were appointed to repair into their several Countries, for the advancement to the Loan, and were ordered to carry a List of the names, as well of the Nobility and Privy-Counsellors, as of the Judges, and Sergeants at Law, that had subscribed to lend, or ient in money for the publick Service, to be a pattern and leading Example to the whole Nation. But Sir *Randolph Crew* shewing no zeal for the advancing thereof, was then removed from his place of Lord Chief Justice, and Sir *Nicholas Hide* succeeded in his room: A person, who for his parts and abilities, was thought worthy of that preferment; yet nevertheless came to the same with a prejudice, coming in the place of one so well beloved, and so suddenly removed; but more especially by reason the Duke appeared in his advancement, to express a grateful acknowledgment to that Knight, for the care and pains he took in drawing the Dukes Answer to the Impeachment in Parliament against him.

This business of the Loan occasioned a complaint to the Lords of the Council against the Bishop of *Lincoln*, for publickly speaking words concerning it, which was conceived to be against the King and Government.

Whereupon Sir *John Lamb* and Dr. *Sibthorp* informed the Council to this purpose, That many were grieved to see the Bishop of *Lincolngive* place to unconformable Ministers, when he turned back to those that were conformable; and how the *Puritans* ruled all with him, and that divers *Puritans* in *Leicestershire* being converted, his Lordship would not admit proceedings to be had against them.

That Dr. *Sibthorp* being desired to stay at *Leicester* this year, as Commissry for the High Commission there, the Countrey being much over-spread with *Puritanism*, Sir *John Lamb* and the said Doctor did inform the Bishop of *Lincoln*, when at *Bugden*, what factious *Puritans* there were in the County, who would not come up to the Table to receive the Communion kneeling; and that there were unlawful Fasts and Meetings kept in the County; and one Fast that held from Nine in the Forenoon till Eight at Night; and that Collections for Moneys were made without Authority, upon pretence for the *Palatinate*: And therefore they desired leave from the Bishop to proceed against those *Puritans Ex Officio*, The said Bishop replied, He would not meddle against the *Puritans*, for his part he expected not another Bishoprick; they might complain of them, if they would, to the Council-Table; for he was under a Cloud already, and he had the Duke of *Buckingham* for his Enemy; and he would not draw the *Puritans* upon him, for he was sure they would carry all things at last: Besides, he said, the King in the first year of his Reign had given Answer to a Petition of the Lower House, in favour of the *Puritans*\*

It appeared also, by the Information of others who were present at the Conference at *Bugden*, That Sir *John Lamb* and Dr. *Sibthorp* did, notwithstanding the Bishops aversness, again press the Bishop to proceed against

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against the Puritans in Leicestershire, the Bishop asked them then what manner of people they were, and of what condition? For his part, he knew of none. To which Sir John Lamb replied (Dr. Sibthorp being present) That they seem to the World to be such as would not Swear, Whore, nor Drink; but yet would Lie, Cozen, and Deceive: That they would frequently hear two Sermons a day, and repeat the same again too; and afterwards pray, and sometimes fast all day long. Then the Bishop asked, Whether those places, where those Puritans were, did lend money freely upon the Collection of the Loan? To which Sir John Lamb and Dr. Sibthorp replied, That they did generally resolve to lend freely: Then said the Bishop, No man of discretion can say, that that place is a place of Puritans: For my part (said the Bishop) I am not satisfied to give way to proceedings against them. At which Dr. Sibthorp was much discontented, and said, He was troubled to see that the Church is no better regarded.

2 Caroli.  
Puritans de-  
scribed by Sir  
John Lamb.

- A These Informations being transmitted to the Council-Table, were ordered to be sealed up, and committed to the custody of Mr. Trumbal, one of the Clerks of the Council; nevertheless, the Bishop of Lincoln used such means, as he got a Copy of them.
- B For which, and some other matters, an Information was afterwards preferred against him in the Star Chamber. Of which, more at large, when we come in the next Volume to treat of the great and high proceedings of that Court.

Information  
in Star-cham-  
ber against the  
Bishop of Lin-  
coln.

- C Bishop Laud, not long before this passage with the Bishop of Lincoln, was informed, that the Bishop of Lincoln endeavoured to be reconciled to the Duke; and that night that he was so informed, he dreamed, That the Bishop of Lincoln came with Iron Chaiues, but returned freed from them: That he leaped upon a Horse, departed, and he could not overtake him.

Bishop Laud  
his Dream.

- D The Interpretation of his Dream may (not unfitly) be thus applied; His Chains might signify the imprisonment of the Bishop of Lincoln afterwards in the Tower; his returning free, to his being set at Liberty again at the meeting of the Parliament; his leaping on Horse-back, and departing, to his going into Wales, and there commanding a Troop in the Parliaments service; and that Bishop Laud could not overtake him, might portend, that himself should become a Prisoner in the same place, and he rendered thereby incapable to follow, much less to overtake him.

The Interpre-  
tation thereof.

- E At this time the King had Six thousand Foot-Soldiers in the Service of the United Provinces, under the command of Sir Charles Morgan, Sir Edward Herbert, Sir John Burlacy, Sir James Leviston, &c. for the assistance, of the States, against the increasing power of Spinola. Upon the present occasion, these Forces were called off from the States services, to joyn with the King of Denmark, under the command of Sir Charles Morgan, against the common Enemy, the King of Spain, and his adherents.

Six thousand  
English in the  
Service of the  
united Pro-  
vinces.

- F Some few moneths after, One thousand three hundred Foot more were embarked at Hull, to be transported by Captain Conisby to the Town of Stoad in Germany, and there to be delivered over to the charge of the aforesaid Sir Charles Morgan, General of the English Forces in the service of the King of Denmark; a person of known Valour, and fit for Conduct of an Army.

Sir Charles  
Morgan Ge-  
neral of the  
English  
Forces.

A. 1626.  
Some do refuse  
the Loan,  
through others  
offered to lend  
the refusers  
money, so they  
would but  
subscribe.

They are or-  
dered to be  
priced for  
Soldiers.

The refusers  
to lend were  
severely dealt  
with.

An. 1627.  
Dr. Sibthorp's  
Sermon con-  
cerning the  
Loan.

But the Assessment of the general Loan did not pass currently with the People; for diver persons refused to subscribe their names, and to lend after the rate propounded; and amongst others, certain of the Parish of Clement, Danes, the Savoy, the Dutchy, and other parts within the Liberties of Westminster, who first alleged poverty: Whereunto reply was made, That if they would subscribe, their ability should be enquired of, before any thing were levied upon them; and in case they were found unable, they should be discharged, notwithstanding what they had under-written; and unto some of them, the money demanded was proffered to be given them. Nevertheless, they afterwards absolutely refuted to subscribe their names, or to lay, they were willing to lend, if able. Whereupon the Council directed their Warrant to the Commissioners of the Navy, to impel these Men to serve in the Ships ready to go out in his Majesty's Service.

The Non-subscribers of high Rank and Right, in all the Counties, were bound over by Recognition, to tender their appearance at the Council-Table, and performed the same accordingly, and divers of them were committed to Prison; but the common sort to appear in the Military-Yard near St Martin's in the Fields, before the Lieutenant of the Tower of London by him to be there enrolled among the Companies of Soldiers; that they who refused to assist with their Purses, should serve in their Persons for the common defence.

The same Loan being demanded of the Society and Inns of Court, the Benchers of Lincolns-Inn received a Letter of reproof from the Lords of the Council, for neglecting the advance of Service in their Society, and to return the names of such as were refractory.

A. Nd for the advancement of the said Loan, Doctor Sibthorp now publishes in print a Sermon preached by him at Northampton February the Two and twentieth, One thousand six hundred twenty and six, at Lent Assizes, entituled, *Apostolical Obedience*. This Book was Licenced by the Bishop of London, who did approve thereof, as a Sermon learnedly and discreetly Preached. It was dedicated to the King, and expressed to be the Doctor's Meditations, which he first conceived upon his Majesty's Instructions unto all the Bishops of this Kingdom, fit to be put in execution agreeable to the necessity of the Times; and afterwards brought forth upon his Majesty's Commission, for the raising of Moneys by way of Loan.

His Text was, Rom. 13. 7. *Re der ther fore to all their dues*. Among other passages he had this. And seriously consider how as Jerobeam took the opportunity and breach betwixt Rechobam and his Subjects to bring Idolatry into Israel; so the Papists lie at wait, if they could find a Rent between our Sovereign and his Subjects (which the Lord forbid) to reduce Superstition in England. I speak no more than what I have heard from themselves, whist I have observed their forwardness to offer double, according to an Act of Parliament so providing; yea, to profess, that they would depart with the half of their Goods. And how, or why can this forwardness be in them, but in hope to cast the imputation of forwardness upon us? And so to them (that which the Jesuite will not suffer them to be) loving and loyal Subjects.

Also the said Sermon holds forth, *That the Prince, who is the Head, and makes his Court and Council, it is his duty to direct and make Laws. Eccle. 8. 3 and 4. He doth whatsoever pleases him. Where the word of the King*

*King is, there is power, and who may say unto him, What doest thou?*

And in another place he saith, *If Princes command any thing which Subjects may not perform, because it is against the Laws of God, or of Nature, or impossible: Yet Subjects are bound to undergo the punishment, without either resisting, or railing, or reviling, and so to yield a Passive Obedience where they cannot exhibit an Active one.*

A *I know no other case, saith he, but one of those three, wherein a Subject may excuse himself with Passive Obedience; but in all other he is bound to Active Obedience.*

B It is not our purpose to repeat his Sermon, the Reader may at leisure inform himself more fully by the Printed Copy.

C Doctor Roger Manwaring promoted the same business in two Sermons, preached before the King and Court at Whitehall, wherein he delivered B for Doctrine to this purpose.

D "That the King is not bound to observe the Laws of the Realm concerning the Subjects Rights and Liberties, but that his Royal Will and Command in imposing Loans and Taxes, without common consent in Parliament, doth oblige the Subject's Conscience upon pain of eternal damnation. That those who refused to pay this Loan, offended against the Law of God and the King's Supreme Authority, and became guilty of Impiety, Disloyalty, and Rebellion. And that the Authority of Parliament is not necessary for the raising of Aids and Subsides; and that the slow proceedings of such great Assemblies, were not fitted for the Supply of the States urgent necessities, but would rather produce sundry impediments to the just designs of Princes.

E The Papists at this time were forward and liberal on this occasion, in somuch that it was said in those times, That in the Point of Allegiance then in hand, the Papists were exceeding Orthodox, and the Puritans were the onely Recusants.

F Distastes and jealousies had for a while been nourished between the Courts of *England* and *France*, which seemed to have risen from Disputes and Differences about the government of the Queens Family. By the Articles of Marriage it was agreed, That the Queen should have a certain number of Priests for her Household Chaplains, together with a Bishop, who should exercise all Ecclesiastical Jurisdiction in matters of Religion.

Dr. Manwaring in two Sermons promotes the Loan.

Distastes and jealousies between England and France.

G These, with other Romish Priests within this Realm, began to practise and teach, That the Pope, upon the Marriage-Treaty, assumed to himself, or his Delagates, the Jurisdiction of the Queens whole Family, especially the Institution and Defstitution of the Ecclesiasticks; and that the King of *England* had no power to intermeddle therein, because he was an Heretick, the Pope threatening to declare those to be Apostates that should seek their establishment from the King. Likewise the Queen insisted to have the ordering of her Family as her self pleased, and the naming of her Officers and Servants; and being therein crossed, did somewhat distaste the King, and unkindness grew between them.

H These things the King represented to his Brother of *France*, imputing the same to the crafty and evil counsels of her Servants, rather than to her own inclination; and so declared, he could no longer bear with those that were the known causes and fomenters of these disturbances,

An. 1626.

ances, but would presently remove them from about his Wife, if there were nothing more than this, *That they had made her go to Tiburn in devotion to pray there.* Which action (as it was reported, his Majesty said) can have no greater invective made against it, than the bare relation; yet his Majesty acknowledged, That the deportment of some of them was without offence; but others of them had so much abused his Patience, and affronted his Person (reflecting most upon Madam *Saint George*) that he was resolved no longer to endure it.

The French dimiss'd.

So the King dismissed and sent back into *France* the Queen's Retinue of *French* (first paying all that was due for Wages or Salaries) and gave the King of *France* an account of the action by the Lord *Carlton*, for the preserving of the mutual Correspondency and Brotherly Affection.

Ill-resented in France.

But this Dimission was ill resented in *France*, and the Audience denied to the Lord *Carlton*: and the matter was aggravated high at the French Court, as a great violation of the Articles of the Marriage.

Private Transactions to engage in a War against France.

And those persons who returned into *France*, (being for the most part younger Brothers, and had parted with their Portions at home, in expectation of raising their Fortunes in the service of the Queen of *England*) did heighten the discontent.

This jarring with *France*, breaks forth to a Publick War, and King *Charles* is at once engaged against two Great and Mighty Princes.

It is not our purpose to relate the particulars of those private transactions which were in *England*, concerning the preparing of a Fleet and Army; nor how the same was managed at first by an Abbot, who had relation to the Duke of *Orleance*, and had been disengaged by Cardinal *Richlieu*.

This Man was full of revenge against the Cardinal, and laboured much, and at last effected, the dismissing of the French about the Queen; his chief end therein was to put an affront upon *Richlieu*, and withall, to heighten the differences between the two Crowns of *England* and *France*: to which purpose, he remonstrated to the Duke of *Buckingham*, the Commotions and Discontents that were in *France*, and how hardly the Protestants there were treated, notwithstanding the Edict of Peace procured by the Mediation of the King of *Great Britain*.

This Abbot's Negotiation with the Duke, procured the sending of *Devic* from the King of *England* to the Duke of *Rhoane*, who was drawn to engage to raise Four thousand Foot, and two hundred Horse, upon the landing of the English Army in *France*, but not before.

This private transaction was also managed by Mr. *Walter Montague*, but in another capacity: The Duke of *Sobiez*, and Monsieur *St. Blanchard*, contributed their endeavours also to hasten the Fleet, and the raising of the Army in *England* against the French, for the relief of those of the Reformed Religion there.

The King of Great Britain's Declaration concerning a War with France.

The King declared, as a ground of his War with *France*, That the House of *Austria* (conspiring the ruine of all those of the Reformed Religion throughout Christendom, as (he said) plainly appeared in the affairs of *Germany*) had such an influence upon the Council of *France*, as to prevail with them to obstruct the landing of Count *Mansfield's* Army

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2 Caroli.

Army, contrary to promise, with whom the French should have joyned forces, for the relief of the *Palatinate*, and the *German* Princes; which failer of performance in them, proved the ruine of that Army, the greatest part whereof perished, and was, by consequence, the los of the whole Protestant Party in *Germany*.

A His Majesty further declared, That having by his Mediation prevailed for a Peace between the French King and his Protestant Subjects, and engaged his word, That the Protestants should observe the Articles of Agreement: Nevertheless, the King of *France*, contrary to the said Articles, blocked up their Towns, Garrisons, and Forts, and had committed many spoils upon them, when they had done nothing in violation of the Edict of Peace. And that the King of *France* had committed an example of great injustice in full Peace, to seise upon One hundred and twenty English Ships, with all their Merchandise and Artillery: For which Reasons, the King was resolved to send a powerfull Army and Navy, to require satisfaction.

B The Duke of *Buckingham* was made Admiral of this Fleet, and Commander in Chief of the Land Forces, and had a Commission to that purpose, wherein it is expressed,

C That his Majesty hath taken into his Princeley consideration, the distressed estate of his dear Brother in law, and onely Sister, the Prince and Prince's Elector *Palatine*, and their Children; and finding himself in Nature and Honour nearly bound unto them, at their request, and for their just relief, in recovering their rightful Patrimony taken from them, by the advice of his Privy-Council, did, the last year, prepare and set out to Sea a Royal Fleet for Sea-service, for performance of such services, as on his Brother in Law's and Sister's behalf, his Majesty had designed. And for the doing of those designs, and for the honour and safety of his people, his Majesty had now prepared a new Fleet, which he intends with all convenient expedition to set out, to be employed, as well by way of offence as defence, as shall be most behoveful for his said Brother in law, his Service; and therefore doth, by the said Commission, appoint the Duke of *Buckingham* to be Admiral, Captain General, and Governor of his said Royal Fleet, with such Soldiers and Land Forces as shall be conveyed therein, for the accomplishment of such execution and employment as they shall be design'd unto, according to such private Instructions as his Majesty shall give unto the said Duke. His Majesty, by the said Commission, giving to the Duke power to lead and conduct the said Navy and Army, and with them to fight against his said Brother in Law and Sister's Enemies, or the Enemies of the Crown of *England*, and to advance to the Order of Knighthood such Persons employed in the Fleet, Forces, and Supplies, as by their valour, desert, and good service in this Expedition, as shall be thought fit in his the said Duke's discretion to merit the same, and as to the Office of Captain General doth appertain.

F On the Seven and twentieth of *June*, the Duke set sail from *Portsmouth* (in order to the relief of the *Palatinate*) with the Fleet, consisting of One hundred Sail of Ships, whereof Ten were of the King's Royal Navy, having aboard about Six or seven thousand Land-Soldiers; and towards the latter end of *July* he appeared with his Fleet before *Rochel*, who once much longed for their coming, but now shut their Gates at their appearance.

The Duke of  
*Buckingham*  
Admiral and  
General.His Commis-  
sion.The Duke sets  
sail with the  
Fleet and Ar-  
my.The Rochel-  
lers are fearful  
to admit the  
English.

Here-

An 1626.

Yet call an Assembly, and heard Sir William Beecher's Message.

The Rochel-lers still time-  
rous.

A well-affec-ted Party in  
Rochel.

The Duke  
communicates  
his design to  
Sobiez.

The Duke  
lands his Ar-my at the Isle  
of Rhee.

Hereupon the Duke of *Sobiez* went ashore with Sir *William Beecher*, from the Duke of *Buckingham*, (Sir *William Beecher* being also accompanied with a Letter of Credence from his Majesty of *Great Britain*) they were at last admitted into the Town; and the Magistrates called an Assembly and there Sir *William Beecher* declared unto them, That the Duke of *Buckingham* was come with a great Fleet and Army to their assistance, which his Master had sent, out of fellow-feeling of their sufferings, and to require from the King of *France* a performance of the Articles of Peace, made by the King of *England*'s mediation, on the behalf of the Protestants in *France*. And further declared unto them, That if they do now refuse to give their assistance, by joyning Forces with the English, he said, he would, and did protest before God and Man, in the name of the King his Master, That his said Master was fully acquit of his Engagement of Honour and Conscience for their Relief.

But notwithstanding this Declaration, and *Sobiez* his earnest solicitation and endeavour, the Magistrates and wealthier sort of People in the Town, (being possessed with the fear of the King of *France* his Army, then upon a March against them; and there being a Court-party also prevalent in the Town) could be drawn to give no other answer at that time, but this, That they did render all humble and hearty thanks to his Majesty of *Great Britain* for the care he had of them; and to the Duke, for his forwardness and readines to do his best Service for their good: but said, They were bound by Oath of Union to do nothing, but by the common and unanimous consent of the rest of the Protestant Party in *France*: And therefore prayed the King of *Great Britain* to excuse them, in that they did suspend the conjunction of Forces till they had sent to the rest of the Protestant Towns, who were of the Union with them: And in the mean time, their Prayers and Vows should be for the happy progress of such Actions, as the Fleet and Army should undertake.

Notwithstanding this Answer, *Sobiez* had strong assurance from a well-affected party in the Town, That they could and would be able to preserve the same, for the encouragement of the English, and to assist them also with Supplies from thence.

When *Sobiez* went from the Fleet into *Rochel*, with Sir *William Beecher*, the Duke of *Buckingham* was pleased to communicate his design to *Sobiez*, by reason of his knowledge in the Countrey, as well as for his interest in that Kingdom, to raise Forces: that his full purpose and intention was, to land his Forces in the Isle of *Oleran*, near unto *Rochel*, and not at the Isle of *Rhee*, being a little further distant: Which *Sobiez* well approved of, as a thing feasable at the first entrance, the Forces therein being few, and the Forts weakly manned and victualled, and besides, it was of advantage for the Oyls, Wines, and other Commodities therein; whereas the Isle of *Rhee* (as he said to the Duke) was furnished with a considerable Force, both of Horse and Foot, which would make the landing there very difficult; and besides, they had a Cittadel well fortify'd to retreat unto.

The Duke not staying for *Sobiez* his return from *Rochel*, alters his resolution, and directs his course to the Isle of *Rhee*: *Toras*, the Governor thereof, (having before taken the alarm by the sight of the Fleet at Sea) marches with his Forces to impede their landing, but maugre their opposition, and the Fort *La Prie*, Sir *John Boroughs*, Sir *Alexander Bret*, Sir *Charles Rich*, together with Monsieur *St. Branchard*, and other brave

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brave Commanders land first at shore, and then about Tewlue hundred men, who were presently encountered with the French Horse and Foot, and a sore Fight hapned thereupon; being a long time well maintained on both sides, and many Commanders fell, both of the Eng'ish and French, few of the Eng'ish were unwounded. But at last the English forced their way, the Enemy was constrained to retreat, and to permit the whole Army to land.

3. Caroli.  
A sore fight at the landing.

A In this Combat, Monsieur St. Blanchard was slain, whose los was much lamented by the Protestant Party in France; Sir William Heyden, and some hundred of the English were slain. The Foot which engaged on both sides, were much equal in number, but in Horse the French had a great advantage.

B The Victory was not pursued by a speedy March after *Toras*, who retreated to his Cittadel at St. Martin's with his wounded men; for five days time was spent before the Army moved, whereby *Toras* got not only time to encourage his men to hold out, (being much discomfited at this fight) but to get in assistance of Men, and provision of Victuals, out of the Island into the Cittadel, which improved to get great advantage.

C The Fort *la Prie*, near unto the landing place, and meanly Victualled and Manned, was all this while the Army staid neglected, omitted, or contemned, as inconsiderable; the gaining whereof (as was said) would have secured a retreat for the English, and impeded the landing of the French (during the Siege) of the Fort at St. Martin's.

D This landing of the English was a great astonishment in the Court of France; and if the taking of the Fort had immediately followed, there would have appeared a great change of Affairs; for the King fell sick about the same time, and great discontent there was at Court; and the King sent his Resolution, to give the Protestants honourable terms, if they will not joyn with the English; sent to the Duke of Rhoan to content him with money, and other proffers; and renders the landing of the English, to other Protestant Towns, to be a thing not to be complied withal.

E The Duke, in two d'ys march, came with his Army before St. Martin's and published a *Manifesto*, justifying his Master's taking of Arms agaist the King of France; declaring (amongst other Reasons) as one cause thereof, the French's employing of the English Ships against *Rochel*, contrary to promise; and lodgeth his Army at the Burgh of St. Martin's, at *Rhee*, which (upon the approach of the Duke) the Enemy quit, and retreated into the City, and quit a Well, which was about thirty paces from the Counterscarp; which, being not at first coming of the Army, made totally unserviceable to the Enemy, they presently drew a Work unto it, and so secured the same for their use, by which they subsisted, during all the time of their Siege.

F The Duke blocks up the Cittadel, draws his Forces round about it in order to a close Siege, and disposes his Fleet so, as to hinder relief by Sea, and resolves to take it by Famine, upon presumption (and as the truth was) that they were not provided with Victuals in the Cittadel for a long Siege; and being Master at Sea, he might in a short time be Master of the Cittadel.

The Army stays five days after the fight.

A Fort neglected to be taken in.

The Duke comes before the Fort at St. Martin's.

The French astonished at the landing of the English.

Blocks up the Cittadel.

But

An. 1626.

Gentlemen secured and confined for refusing to part with money upon the Loan.

But whilst the Duke employs his time in drawing a Line of Circumvalation, and raising of Bulwarks and Batteries, let us see what they are doing in *England*.

Those Gentlemen who stood committed, for not parting with moneys upon the Commissions for Loans, were appointed to several Confinements, not in their own, but foreign Counties.

Sir *Thomas Wentworth*, afterwards Earl of Strafford, and *George Ratcliff Esq;* afterwards Sir *George Yorkshire* Gentlemen, were sent for by Messengers, and removed out of the County of *York* into the County of *Kent*, and there secured by Confinement.

Sir *Walter Earl*, and Sir *John Strangewayes*, who were *Dorsetshire* men, were secured in the County of *Bedford*.

Sir *Thomas Grantham*, and some others in the County of *Lincoln*, were removed and secured in the County of *Dorset*.

Sir *John Hervingham*, and others, of the County of *Suffolk*, were secured in the County of *Somerset*.

*Richard Knightly Esq;* and others of the County of *Northampton*, were secured in the County of *Southampton* and *Wiltshire*.

Sir *Nathaniel Bernardiston*, of the County of *Suffolk*, and *William Coriton Esq;* of the County of *Cornwall*, were secured in the County of *Sussex*.

Sir *Harbottle Grimstone*, in the County of *Essex*, and Sir *Robert Points*, were secured in *Northamptonshire*.

John *Hampden Esq;* and others, of the County of *Bucks*, were secured in *Hampshire*; and the like course was taken with the Gentry of other Counties, who refused the Loan.

And the Council ordered, that all those refractory persons before named (for so they are called in the Order) who are appointed by his Majesty's command to their several Commitments, shall presently obey the Order of the Board sent with their Messenger in that behalf, or be committed close prisoners, any pretence of inability, want of conveniency, or any excuse whatsoever notwithstanding.

Many of those Gentlemen were afterwards sent for by Purseavants, out of those Counties where they were confined by Order of the Council, and committed to several Prisons, some to the *Fleet*, some to the *Marshalsey*, and *Gatehouse*, and others remained in custody of the Messengers: And from the *Gatehouse* Sir *John Elliot* sends this Petition to his Majesty.

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To

3 Caro.

## To the King's most excellent Majesty.

The humble Petition of Sir John Elliot Knight, Prisoner in the Gate-house, concerning the Loan,

A

Sheweth,

**T**HAT your poor Suppliant, affected with sorrow and unhappiness through the long sence of your Majesty's displeasure, willing in every act of Duty and Obedience to satisfie your Majesty of the loyalty of his heart, than which, he hath nothing more desired, that there may not remain a jealousy in your Royal Breast, that stubbornness and will have been the motives of his forbearing to descend to the said Loan, low at your Highness foot, with a sad, yet a faithful heart, for an Apology to your Clemency and Grace, he now presumes to offer up the Reasons that induced him, which he conceiveth necessity of his Duty to Religion, Justice, and your Majesty, did inforce.

Sir John Eliot's Petition to the King concerning the Loan.

B

The Rule of Justice he takes to be the Law, impartial Arbitrator of Government and Obedience, the support and strength of Majesty, the observation of that Justice by which Subjection is commanded. This and Religion (added to this Power not to be resisted) binds up the Conscience in an Obligation to that Rule, which (without open prejudice, and violence of these Duties) may not be impeached.

C

In this particular therefore of the Loan, being desirous to be satisfied how far the Obligation might extend, and resolving where he was left Master of his own to become Servant to your Will, he had recourse unto the Laws, to be informed by them; which, in all humility, he submitteh to your most Sacred view, in the Collections following.

D

In the time of Edward the First, he finding that the Commoners of that Age were so tender of their Liberties, as they feared even their own free Acts and Gifts might turn them to a Bondage and their Heirs. Wherefore it was desired and granted,

That for no business, such manner of Aids, Taxes, nor Prizes, should be taken, but by common assent of the Realm, and for the common profit thereof.

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The like was in force by the same King, and by two other Laws again Enacted,

That no Tallage or Aid should be taken or levied, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burghesses, and other Freemen of the Land.

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And that prudent and magnanimous Prince, Edward the Third, led by the same wisdom, having granted,

That the greatest gift given in Parliament, for the Aid and speed of his matchless undertaking against France, should not be had in example, nor fall to the prejudice of the Subject in time to come; did likewise add, in Confirmation of that Right, That they should not from thenceforth be grieved to sustain any Charge or Aid, but by the Common Assent, and that in Parliament.

And more particularly upon this point, upon a Petition of the Commons afterwards in Parliament, it was established,

R k k

That

An. 1627.

That the Loans which were granted to the King by divers persons be released, and that none henceforth be compelled to make such Loans against their Wills, because it is against Reason, and the Franchises of the Land, and Restitution be made to such as made such Loans.

And by another Act upon a new occasion, in the time of Richard the Third, it was ordained,

That the Subject in no wise be charged with any such Charge, Exaction, or Imposition called a Benevolence, nor such like Charge; and that such like Exactions be damned and annulled for ever.

Such were the opinions of these times, for all their Aids, Benevolences, Loans, and such like Charges, exacted from the Subject not in Parliament, which they held to be Grievances contrary to their Liberties, and illegal; and so pious were their Princes in Confirmation of their Liberties, as having secured them for the present by such frequent Laws and Statutes, they did likewise by them provide for their Posterity; and in some so strictly, that they bound the Observation with a Curse, as in that of 33 Edw. I. As also under pain of Excommunication; as by the other of the Five and twentieth of the same King, which was to be denounced against all those that violate or break them: which Act extends to us.

And these Reasons he presents to your Majesty, as the first Motive taken from the Law.

There are others also, which in his humble apprehension he conceived from the Action it self, which he likewise tenders to your most excellent Wisdom.

First, That the Carriage and Instructions, accompanied with the Authority of the Great Seal, imported a Constraint, such Requests to Subjects being tacite and implied Commands, and so preventing that readiness and love, which, in a free way, would have far exceeded those demands; whereas the wonted Aids given to your happy Ancestors were Ex spontanea voluntate, & charitate populi, whereby they made that conjunction of their hearts at home, which wrought such power and reputations to their Acts abroad.

Whereas the firmest Obligation of that readiness and love, is the benignity of Princes, giving and preserving to their People just and decent Liberties, which, to this Kingdom, are derived from the Clemency and Wisdom of your Progenitors, to whom there is owing a Sacred Memory for them: he could not, as he feared, without pressure to these immunities, become an Actor in this Loan, which by imprisonment and restraint was urged, contrary to the Grants of the Great Charter, by so many glorious and victorious Kings so many times confirmed, being therein most confident of your Majesty, that never King that Reigned over us, had, of his own benignity and goodness, a more pious disposition to preserve the just Liberties of his Subjects, than your Sacred Self.

Though we were well assured by your Majesty's Royal Promise, whose words he holds as Oracles of Truth, that it should not become a precedent, during the happiness of your Reign (the long continuances whereof, is the daily subject of his Prayers) yet he conceived from thence a fear, that succeeding Ages might thereby take occasion for Posterity to strike at the propriety of their Goods, contrary to the piety and intention of your Majesty so graciously express.

And

3 Caroli.

And these being the true grounds and motives of his forbearance to the said Loan, shewing such inconveniences in R. ason, and representing it an Act contradicting so many of your Laws, and most of them by the most prudent and happiest of our Princes granted, which could not, without presumption beyond pardon in your Suppliant, in taking to himself the Dispensation of those Laws, so piously Enacted by him, be violated or impeached,

**A** In the fulness of all Submission and Obedience, as the Apology of his Loyalty and Duty, he lowly offers to your most Sacred Wisdom, for the satisfaction of your Majesty, most humbly praying your Majesty will be graciously pleased to take them into your Princeely consideration, where when it shall appear (as he doubts not, but from hence it will to your deep judgment) that no factious humour, nor disaffection led on by stubbornness and will, hath herein stirred or moved him, but the just Obligation of his Conscience, which binds him to the service of your Majesty, in the observance of your Laws; he is hopeful (presuming upon the Piety and Justice of your Majesty) that your Majesty, according to your infinite Clemency and Goodnes, will be pleased to bestow him to your favour, and his Liberty, and to afford him the benefit of those Laws, which in all humility, he craves.

**C** Notwithstanding the said Petition, he still continued a Prisoner in the Gatehouse, till the general Order of Discharge came.

**C** Sir Peter Hayman refusing to part with Loan-money, was called before the Lords of the Council, who charged him with refractorinels, and with an unwillingnes to serve the King; and told him, if he did not pay, he should be put upon service. Accordingly they commanded him to go into his Majesties service into the *Palatinare*: And having first settled his Estate, he undertook and performed the Journey, and afterwards returned into *England*.

**D** Archbishop Abbot having been long slighted at Court, now fell under the King's high displeasure, for refusing to Licence Doctor Sibthorp's Sermon, as he was commanded, entituled, *Apostolical Obedience*; and not long after he was sequestred from his Office, and a Commission was granted to the Bishops of *London*, *Durham*, *Rochester*, *Oxford*, and Doctor *Land*, Bishop of *Bath* and *Wells*, to execute Archiepiscopal Jurisdiction. The Commission as followeth.

Archbishop  
Abbot in dis-  
favour.

**E** **C H A R L E S**, by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. To the Right Reverend Father in God, *George*, Bishop of *London*; and to the Right Reverend Father in God, Our Trusty and Well-beloved Counsellor, *Richard*, Lord Bishop of *Durham*; and to the Right Reverend Father in God, *John*, Lord Bishop of *Rochester*; and *John*, Lord Bishop of *Oxford*; to the Right Reverend Father in God, Our Right Trusty and Well-beloved Counsellor, *William*, Lord Bishop of *Bath* and *Wells*, Greeting.

The Com-  
mission to seque-  
ster Archbi-  
shop Abbot  
from all his  
Ecclesiastical  
Offices.

**W** Hereas George, now Archbishop of Canterbury, in the right of the Archbischoprick, hath several and distinct Archiepiscopal, Episcopal, and other Spiritual and Ecclesiastical Powers and Jurisdictions, to be exercised in the Government and

An. 1627.

Discipline of the Church within the Province of Canterbury, and in the Administration of Justice in Causes Ecclesiastical within that Province, which are partly executed by himself in his own Person, and partly, and more generally, by several persons nominated and authorized by him, being learned in the Ecclesiastical Laws of this Realm, in those several Places whereunto they are deputed and appointed by the said Archbishop: Which several Places, as we are informed, they severally hold by several Grants for their several Lives; as namely, Sir Henry Martin Knight, hath and holdeth by the Grants of the said Archbishop, the Offices and Places of the Dean of the Arches, and Judge, or Master of the Prerogative Court, for the natural Life of the said Sir Henry Martin.

A  
Sir Charles Cæsar Knight, hath and holdeth by Grants of the said Archbishop, the Places or Offices of the Judge of the Audience, and Master of the Faculties, for the term of the natural Life of the said Sir Charles Cæsar.

B  
Sir Thomas Ridley Knight, hath and holdeth by the Grant of the said Archbishop, the Place or Office of Vicar-General to the said Archbishop.

And Nathaniel Brent, Doctor of the Laws, hath and holdeth by Grant of the said Archbishop, the Office or Place of Commissary to the said Archbishop, as of his proper and peculiar Diocese of Canterbury.

C  
And likewise the several Registers of the Arches, Prerogative, Audience, Faculties, and of the Vicar-General, and the Commissary of Canterbury, hold their Places by Grants from the said Archbishop respectively.

D  
Whereas the said Archbishop, in some or all of these several Places and Jurisdictions, doth or may sometimes assume unto his personal and proper Judicature, Order, or Direction, some particular Causes, Actions, or Cases at his pleasure. And forasmuch as the said Archbishop cannot at this present, in his own person, attend the Services which are otherwise proper for his Cognisance and Jurisdiction, and which, as Archbishop of Canterbury, he might and ought in his own person to have performed and executed in Causes and Matters Ecclesiastical, in the proper Function of Archbishop of that Province: We therefore, of our Regal Power, and of our Princely Care and Providence, that nothing shall be defective in the Order, Discipline, Government, or Right of the Church, have thought fit by the Service of some other Learned and Reverend Bishops, to be named by Us, to supply those things which the said Archbishop ought or might in the Causes aforesaid to have done, but for this present cannot perform the same.

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Know you therefore, That we reposing special trust and confidence in your approved Wisdoms, Learning, and Integrity, have nominated, authorized, and appointed, and do, by these presents, nominate, authorize, and appoint you the said George, Lord Bishop of London; Richard, Lord Bishop of Durham; John Lord Bishop of Rochester; John, Lord Bishop of Oxford; and William, Lord Bishop of Bath and Wells, or any four, three, or two of you, to do, execute, and perform all and every those Acts, Matters, and Things, any way touching or concerning the Power, Jurisdiction, or Authority of the

the Archbishop of Canterbury, in Causes or Matters Ecclesiastical, as amply, fully, and effectually, to all intents and purposes, as the said Archbishop himself might have done.

And we do hereby command you, and every of you, to attend, perform, and execute this Our Royal Pleasure, in, and touching the premises, until we shall declare our Will and Pleasure to the contrary.

A And we do further hereby will and command the said Archbishop of Canterbury, quietly, and without interruption, to permit and suffer you the said George, Bishop of London; Richard, Bishop of Durham; John, Bishop of Rochester; John, Bishop of Oxford; and William, Bishop of Bath and Wells, any four, three, or two of you, to execute and perform this our Commission, according to our Royal Pleasure thereby signified.

B and we do further will and command all and every other person and persons, whom it may any way concern, in their several Places or Offices, to be attendant, obedient, and obedient to you, and every of you, in the execution and performance of this our Royal Will and Command, as they and every of them will answer the contrary at his utmost perils.

C Nevertheless we do hereby declare our Royal Pleasure to be, That they the said Sir Henry Martin, Sir Charles Caesar, Sir Thomas Ridley, and Nathaniel Brent, in their several Offices and Places aforesaid, and all other Registers, Officers, and Ministers, in the several Courts, Offices and Jurisdictions, appertaining to the said Archbishop, shall quietly, and without interruption, hold, use, occupy, and enjoy their said Offices and Places, which they now hold by the Grant of the said Archbishop, or any other former Archbishop of Canterbury, in such manner and form, and with those Benefits, Privileges, Powers, and Authorities, which they now have, hold, and enjoy therein, or therewith severally and respectively, they, and every of them, in their several places, being attendant and obedient unto you the said George, Bishop of London; Richard, Bishop of Durham; John, Bishop of Rochester; John, Bishop of Oxford; and William, Bishop of Bath and Wells, or to any four, three, or two of you, in all things according to the Tenor of this our Commission, as they should or ought to have been to the said Archbishop himself, if this Commission had not been had or made.

E In witness wh:reof, We have caused these our Letters to be made Patent. Witness our Self at Westminster, the Ninth day of October, in the Third year of our Reign.

F Per ipsum Regem.

Edmonds.

For a Memorial of these Proceedings, the Archbishop left to Posterity this following Narrative, penned with his own hand.

Archbi-

An. 1627.

## Archbishop ABBOT his NARRATIVE.

## Pars Prima.

The Archbishops Narrative concerning his disgrace at Court-

A  
**I**T is an Example, so without Example, that in the Sunshine of the Gospel, in the midst of profession of the true Religion, under a Gracious King, whom all the world must acknowledge to be blemished with no Vice; a man of my Place and Years, who have done some service in the Church and Common-wealth, so deeply laden with some furious infirmities of Body, should be removed from his ordinary Habitation, and by a kind of deportation should be thrust into one end of the Island (although, I must confess, into his own Diocese) that I hold it fit, that the reason of it should be truly understood, lest it may sometimes turn to the scandal of my Person and Calling.

B  
 Which Declaration notwithstanding, I intend not to communicate to any, but to let it lie by me privately, that it being set down impartially, whilst all things are fresh in memory, I may have recourse to it hereafter, if questions shall be made of any thing contained in this Relation.

C  
 And this I hold necessary to be done, by reason of the strangeness of that, which by way of Censure was inflicted upon me, being then of the age of Sixty five years, incumber'd with the Gout, and afflicted with the Stone, having lived so many years in a place of great Service, and, for ought I know, untainted in any of my Actions, although my Master King James, who resteth with God, had both a searching Wit of his own, to discover his Servants whom he put in trust, whether they took any sinister courses, or no; and wanted not some suggestors about him to make the worst of all mens actions whom they could misreport. Yet this Innocency and good Fame to be over-turned in a month, and a Christian Bishop suddenly to be made *Fabula Vu'gi*, to be tossed upon the Tongues of Friends and Foes, of Protestants and Papists, of Court and Countrey, of English and Foreigners, must needs in common opinion, presuppose some Crime, open or secret: Which being discovered by the King, albeit not fully appearing to the World, must draw on indignation in so high a measure.

D  
 I canot deny, that the indisposition of my Body kept me from Court, and thereby gave occasion to Maligners to traduce me, as withdrawing my self from publick services, and therefore mistaking some courses that were taken; which abstaining perhaps neither pleased the King, nor the Great Man that set them on foot.

E  
 It is true, that in the turbulency of some things, I had no great invitement to draw me abroad, but to possess my Soul in patience, till God sent fairer weather: But the true ground of my abstaining from solemn and publick places, was the weakness of my Feet, proceeding from the Gout; which disease being hereditary unto me, and having possessed me now nine years, had deliberated me more and more: So that I could not stand at all, neither could I go up or down a pair of Stairs, but besides my Staff, I must have the service of one, at least, of my Men, which was not fit to be admitted in every place where I was to come.

F  
 His Indisposition kept him from Court.

And

And although I was oft remembred, by the w<sup>r</sup>est of my Friend's, that I might be carried as the old Lord Treasurer Burleigh was, yet I did not think my service so necessary for the Common-wealth, as his Lordships, by long experience, was found to be. I did not value my self at so high a rate, but remembred, that it was not the least cause of overthrow to Robert Earl of Essex, that he prized himself so, as if Queen Elizabeth and the Kingdom could not well have stood, if he had not supported both the one and the other.

3 Caret.

- A Now for me, thus enfeebled, not with the Gout only, but with the Stone also, and Gravel, to wait on the King, or the Council-Table, was by me held a matter most inconvenient. In the Courts of Princes, there is little feeling of the infirmities belonging to old age, they like them that be young and gallant in their actions, and in their cloaths, they love not that men should stick too long in any room of Greatness, Change and alteration bringing somewhat with it. What have they to do with Kerchieves and Staves, with lame or sick men? It is certainly true, there is little compassion upon the bodily defects of any. The Scripture speaketh of men standing before Kings, it were an uncouth sight to see the Subject sit the day before the Coronation, when on the morrow I had work enough for the strongest man in England, being weak in my feet, and coming in to Whitehall to see things in a readines against the next day; yet notwithstanding the Stone and Gout, I was not altogether an inutile Servant in the Kings affairs, but did all things in my house that were to be done, as in keeping the High-Commission Court, doing all inferiour actions inducing thereunto, and dispatching References from his Majesty that came thick upon me.
- B
- C

These Relations which are made concerning me, be of certain truth, but reach not to the reason whereof I was discarded.

- D To understand therefore the verity, so it is, That the Duke of Buckingham being still great in the favour of the King, could endure no man that would dot depend upon him; among other men, had me in his eye, for not stooping unto him so as to become his Vassal. I that had learned a Lesson, which I constantly hold, to be no man's servant but the King's / for mine own Royal Master, which is with God, and mine own reason, did teach me so / went on mine own ways, although I could not but observe, That so many as walked in that path, did suffer for it upon all occasions, and so did I, nothing wherein I moved my Master taking place: Which finding so clearly, as if the Duke had set some ill character upon me, I had no way but to rest in patience, leaving all to God, and looking to my self as warily as I might. But this did not serve the turn, his undertaking was so extraordinary, that every one that was not with him, was presently against him; and if a hard opinion were once entertained, there was no place left for satisfaction or reconciliation.
- E

- F What befell the Earl of Arundel, and Sir Randal Crew, and divers others, I need not to report; and no man can make doubt but he blew the Coals.

For my self, there is a Gentleman called Sir H. S. who gave the first light what should be fall me: This Knight being of more livelihood than wisdom, had married the Lady D. Sister to the now Earl of E. and had so treated her, that both for safeguard of her Honour, blemished by him scandalously, and for her Alimony or maintenance ( being glad to get from him ) she was forced to endure a Suit in the High Commission

The Duke of  
Buckingham  
is not  
stooping to  
him.

The Archbi-  
shop is fore-  
told of the  
Dukes dis-  
pleasure.

An. 1626.

mission Court : So to strengthen his party, he was made known to the Duke, and by means of a dependant on his Grace, he got a Letter from the King, That the Commissioners should proceed no further in hearing of that Cause, by reason that it being a difference between a Gentleman and his Wife, the Kings Majesty would hear it himself. The Sollicitor for the Lady, finding that the course of Justice was stopped, did so earnestly, by Petition, move the King, that by another Letter, there was a relaxation of the former restraint, and the Commissioners Ecclesiastical went on : But now, in the new proceeding, finding himself by Justice like enough to be pinched, he did publickly in the Court refuse to speak by any Counsel, but would plead his Cause himself ; wherein he did bear the whole business so disorderly, tumultuously, and unrespectfully, that after divers reproofs, I was inforced for the Honour of the Court, and Reputation of the High Commission, to tell him openly, That if he did not carry himself in a better fashion, I would commit him to prison.

This so troubled the young Gallant, that within few days after, being at Dinner, or Supper, where some wished me well, he bolted it out, That as for the Archbishop, the Duke had a purpose to turn him out of his place, and that he did but wait the occasion to effect it. Which being brought unto me constantly, by more ways than one, I was now in expectation what must be the issue of this great mans indignation, which fell out to be as followeth,

Sibthorps Sermon for Loan-money.

There was one *Sibthorpe*, who not being so much as a Batchelor of Arts, as it hath been credibly reported unto me, by means of Doctor *Pierce*, Dean of *Peterborough*, being Vice-Chancellor of *Oxford*, did get to be conferred upon him the Title of Doctor.

This man is Vicar of *Brackley* in *Northamptonshire*, and hath another Benefice not far from it in *Buckinghamshire*. But the lustre of his Honour did arise from the being the Son in Law of Sir *John Lamb*, Chancellor of *Peterborough*, whose Daughter he married, and was put into the Commission of Peace.

When the Lent Assizes were in *February* last at *Northampton*, the man that preached before the Judges there, was this worthy Doctor ; where magnifying the Authority of Kings, (which is so strong in the Scripture, that it needs no flattery any ways to extol it) he let fall divers Speeches which were distasteful to the Auditors, and namely, That they had power to put Poll-money upon their Subjects heads, when against those Challenges men did frequently mourn.

The Dukes design in having this Sermon sent to the Archbishop to Licence it.

He being a man of a low Fortune, conceived, that putting his Sermon in Print, he might gain favour at Court, and raise his Fortune higher, on he goeth with the Transcribing of his Sermon, and got a Bishop or two to prefer this great Service to the Duke ; and it being brought unto the Duke, it cometh in his head, or was suggested unto him by some malicious Body, that thereby the Archbishop might be put to some remarkable strait. For if the King should send the Sermon unto him, and command him to allow it to the Press, one of these two things would follow, that either he should authorize it, and so all men that were indifferent, should discover him for a base and unworthy Beast ; or he should refuse it, and so should fall into the Kings indignation, who might pursue it at his pleasure, as against a man that was contrary to his service.

Out

A

B

C

D

E

F

3. Caroli.

Out of this Fountain flowed all the Water that afterwards so wet : in rehearsting whereof, I must set down divers particulars, which some men may wonder how they should be discovered unto me. But let it suffice once for all, that in the word of an honest man, and of a Bishop, I recount nothing, but whereof I have good warrant, God himself working means.

A The matters were revealed unto me, although it be not convenient, that in this Paper I name the manner how they came unto me, lest such as did by well doing further me, should receive blame for their labour. Well ! resolved it is, that I must be put to it, and that with speed ; and therefore Mr. William Murrey, Nephew ( as I think ) unto Mr. Thomas Murrey, sometimes Tutor unto Prince Charles, and the young man now of the King's Bed-chamber, is sent unto me with the written Sermon ; of whom I must say, That albeit he did the King his Masters business, yet he did use himself civilly and temperately unto me. For, avoiding of *inquit* and *in quam* ( as Tully saith ) *I said this, and he said that,* I will make it by way of Dialogue, not setting down every days conference exactly by it self, but mentioning all things of importance in the whole, yet distinguishing of times, where, for the truth of the Relation, it cannot be avoided.

C Murrey. My Lord, I am sent unto you by the King, to let you know, that his pleasure is, That whereas there is brought unto him a Sermon to be printed, you should allow this Sermon to the Pres.

D Archb. I was never he that authorised Books to be Printed ; for it is the work of my Chaplains to read over other Men's Writings, and what is fit, to let it go ; and what is unfit to expunge it.

E Murrey. But the King will have you your self to do this, because he is minded, that no Books shall be allowed, but by you and the Bishop of London : And my Lord of London authorised one the other day (*Confessis his Book*) and he will have you do this.

F Archb. This is an occupation that my old Master King James did never put me to, and yet I was then young, and had more abilities of body than now I have ; so that I see I must now learn a new lesson : but leave it with me, and when I have read it, I shall know what to say unto it ; a day or two hence you shall understand my mind. When I had once or twice perused it, I found some words which seemed unto me to cross that which the King intended, and in a sort to destroy it ; and therefore upon his return, a day or two after, I express'd my self thus.

G Mr. Murrey, I conceive, that the King intendeth, that this Sermon shall promote the service now in hand about the *Loan of Money*, but in my opinion it much crosseth it ; for he layeth it down for a rule, and because it shall not be forgotten, he repeateth it again,

H *That Christians are bound in duty one to another, especially all Subjects to their Princes, according to the Laws and Customs of the Kingdom, wherein they live.*

I Out of this will men except this *L.o.m.*, because that there is neither Law nor Custom for it in the Kingdom of England.

J Secondly, In my judgment, there followeth a dangerous Speech, *Habemus necessitatem vindicande libertatis.* For this was all that was then quoted out of Calvin, no mention being made of any the other words which are now in the printed Copy : For when by the former Rule he

Mr. Atterre  
sent from the  
King with the  
Sermon to the  
Archbishop to  
have it licens-  
ed by himself.

The discourse  
by way of Dia-  
logue, between  
the Archbi-  
shop and Mr.  
Murrey on that  
occasion.

The Archbi-  
shop's Reasons  
why he could  
not license it.

An. 1627.

hath set men at liberty, whether they will pay or no, he imposeth upon them a necessity to vindicate this liberty, and *Vindicare* may be extended to challenge with violence *cum vi*. But for my part, I would be most unwilling to give occasion to Sedition and Mutiny in the Kingdom.

Again, here is mention made of Poll-money, which, as I have heard, hath already caused much distaste where the Sermon was preached.

Moreover, what a speech is this, *That he observes the forwardness of the Papists to offer double*, according to an Act of Parliament so providing, yea, to profess, that they would part with the half of their Goods, where he quoteth in the Margin, *Anno 1 Caroli*; the Act for the Subsidy of the Laity, whereby Popish Recusants were to pay double; when indeed there is no such Act.

And in the fifth place it is said in this Sermon, That the Princes of *Bohemia* have power to depose their Kings, as not being Hereditary, which is a great question. Such a one as hath cost much blood, and must not in a word be absolutely defined here, as if it were without controversie. I pray you make his Majesty acquainted with these things, and take the Book with you, (where it is to be noted, that all this time we had but one single Copy, which was sometime at the Court, and sometime left with me.)

*Murrey.* I will faithfully deliver these things to the King, and then you shall hear further from me.

His Majesty returns answer by Mr. Murrey to those reasons of the Archbishop.

Some two or three days after he returned again unto me, and telleth me, That he had particularly acquainted the King with my Objections; and his Majesty made this Answer: First, for the Laws and Customs of the Kingdom, he did not stand upon that, he had a President for that which he did, and thereon he would insist.

*Archb.* I think that to be a mistaking, for I fear there will be found no such President. King *Henry the Eighth*, as the Chronicle sheweth, desired but the Sixth part of Mens Estates, Ten groats in the pound; our King desireth the whole six parts full out, so much as men are set at in the Subsidy Book: And in the time of King *Henry*, although he were a powerful King, yet, for that Taxation, there began against him little less than a Rebellion; so that he held it wisdom to desist, and laying the blame upon Cardinal *Wolsey*, professed, that he knew nothing of the matter.

*Murrey.* Secondly, The King saith, for the words, *Habemus necessitatem vindicanda libertatis*, he taketh them to be for him; and he will stand on his Liberty.

Thirdly, For Poll-money, he thinketh it lawful.

Fourthly, It is true, there was no such Act passed, and therefore it must be amended (and yet in the Printed Book it is suffered still to stand. Such slight, and, I may say, slovenly care was had by them that published this Sermon.)

And fifty, For that of *Bohemia*, he hath crossed it out of the Book.

Some other matters there were, against which I took exception, but Mr. *Murrey* being a young Gentleman, although witty, and full of good behaviour, I doubted, that being not deeply seen in Divinity, he could not so well conceive me, nor make report of my words to his Majesty: And therefore I being lame, and so disabled to wait on the King, did move

move him, That he would, in my name, humbly beseech his Majesty to send the Bishop of Bath and Wells unto me, and I would, by his means, make known my Scruples; and so I dismissed Mr. Murrey, observing with my self, that the Answers to my Five Objections, especially to two or three, were somewhat strange: As if the King were resolved, were it to his good or to his harm, to have the Book go forth.

3. Caroli.  
The Archbi-  
shop desires  
Bishop Laud  
may be sent to  
him to treat of  
that Sermon.

A After one or two days more, the young Gentleman cometh to me again, and telleth me, That the King did not think it fit to send the Bishop of Bath unto me; but he expected I should pass the Book. In the mean time, had gone over one High Commission day, and this Bishop, who used (otherwise) very few days to fail, was not there; which being joyned to his Majesty's Message, made me in some measure to smell that this whole busines might have that Bishop's hand in it, especially I knowing in general the disposition of the man.

B The minds of those that were Actors for the publishing of the Book, were not quiet at the Court, that the thing was not dispatched; and therefore one day the Duke said to the King, Do you see how this busines is deferred? If more expedition be not used, it will not be printed before the end of the Term; at which time it is fit that it be sent down into the Countries.

So eager he was, that either by my credit his undertakings might be strengthned, or, at least, I might be contemned and derided as an unworthy fellow.

C This so quickned the King, that the next Message which was sent by Mr. Murrey was, in some degree, minatory, That if I did not dispatch it, the King would take some other course with me.

When I found how far the Duke had prevailed, I thought it my best way to set down in writing many Objections, wherefore the Book was not fit to be published; which I did modestly, and sent them to the King. The words were these, which I culled out of the written Sermon.

The Archbi-  
shop sends his  
Objections to  
the Court in  
writing against  
the Sermon.

D 1. Page 2. Those words deserve to be well weighed, *And whereas the Prince pleads not the power of Prerogative.*

2. Page 8. *The King's duty is first to direct and make Laws.* There is no Law made till the King assent unto it; but if it be put simply to make Laws, it will make much startling at it.

E 3. Page 10. *If nothing may excuse from active obedience, but what is against the Law of God, or of Nature, or impossible.* How doth this agree with the first Fundamental Position? page 5. *That all Subjects are bound to all their Princes according to the Laws and Customs of the Kingdom wherein they live.*

This is a Fourth Case of Exception.

F 4. Page 11. *The Poll-money,* mentioned by him in St. Matthew, was imposed by the Emperor as a Conqueror over the Jews, and the execution of it in England, although it was by a Law, produced a terrible effect in King Richard the Second's time, when only it was used, for ought that appeareth.

5. Page 12. It is in the bottom, view the Reign of Henry the Third, and whether it be fit to give such allowance to the Book, being surreptitiously put out?

6. In the same Page, let the largeness of those words be well considered, *Yea all Antiquity to be absolutely for absolute Obedience to Princes*

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*in all Civil and Temporal things.* For such Cases as *Niboth's Vineyard* may fall within this.

7. Page 14. *Sextus Quintus* was dead before the year One thousand five hundred and eighty.

8. In the same Page, weigh it well, How this *Loan* may be call'd a *Tribute*; and when it is said, *We are promised, it shall not be immoderately imposed*: How that agreeth with his Majesty's **Commission** and **Proclamation**, which are quoted in the Margent?

Bishop Laud is employed to answer these Objections.

A It should seem, that this Paper did prick to the quick, and no satisfaction being thereby accepted, Bishop Laud is called, and he must go to answer to it in writing: This man is the only inward Counsellor with Buckingham, sitting with him sometimes privately whole hours, and feeding his humour with malice and spight.

B His life in *Oxford* was to pick quarrels in the Lectures of the Publick Readers, and to advertise them to the then Bishop of *Durham*, that he might fill the ears of King James with discontents, against the honest men that took pains in their Places, and fetled the truth (which he call'd *Puritanism*) in their Auditors.

C He made it his work to see what Books were in the Pres, and to look over Epistles Dedicatory, and Prefaces to the Reader, to see what faults might be found.

D It was an observation what a sweet man this was like to be, that the first observable act that he did, was the marrying of the Earl of *D.* to the Lady *R.* when it was notorious to the world, that she had another Husband, and the same a Nobleman, who had divers Children then living by her. King James did for many years take this so ill, that he would never hear of any great preferment of him; insomuch that the Bishop of *Lincoln*, Doctor Williams, whotaketh upon him to be the first promoter of him, hath many times said, That when he made mention of Laud to the King, his Majesty was so averse from it, that he was constrained oftentimes to say, That he would never desire to serve that Master, which could not remit one fault unto his Servant. Well, in the end he did conquer it, to get him to the Bishoprick of St. David's; which he had not long enjoyed, but he began to undermine his Benefactor, as at this day it appeareth. The Countess of *Buckingham* told *Lincoln*, that St. David's was the man that undermined him with her Son: And verily, such is his aspiring nature, that he will underwork any man in the World, so that he may gain by it.

E This Man, who believeth so well of himself, framed an Answer to my Exceptions. But to give some countenance to it, he must call in three other Bishops, that is to say, *Durham*, *Rochester*, and *Oxford*, tried men for such a purpose; and the whole style of the Speech runneth, *We and We*.

F This seemed so strong a confutation, that for reward of their Service, as well as for hope, that they would do more, Doctor Neal, Bishop of *Durham*, and the Bishop of *Bath*, were sworn of the Privy Council.

The very day, being *Sunday*, Mr. Murrey was sent unto me with a Writing; but finding me all in a Sweat by a fit of the Stone, which was then upon me, he forbore for that time to trouble me, and said, That on the morrow he would repair to me again. I got me to bed, and lying all that night in pain, I held it not convenient to rise the next day:

And

King James was a long time offended with Bishop Laud.

He was advanced by Bishop Williams.

Bishops of Durham and Bath sworn of the Privy Council.

And on the Monday, Mr. Murrey came unto me, which was the Eighth time that he had been with me, so unceasantly was I plied with this noble work.

3. Caroli.  
Mr. Murrey  
brings the An-  
swer to the  
Archbishop's  
Objections.

A I had shewed it before to a friend or two, whereof the one was a learned Doctor of Divinity, and the other had served many times in Parliament with great commendation. We all agreed, That it was an idle work of a man that understood not Logick, that evidently crossed himself, that sometimes spake plausibly, and in the end of his Sermon fell so poor and flat, that it was not worth the reading.

B Mr. Murrey coming to my Bed-side, said, That he was sent again by the King, and had a Paper to be shewed unto me.

C Archb. You see in what case I am, having slept little all this last night, but nevertheless since you come from the King, I will take my Spectacles and read it.

D Murrey. No, my Lord, you may not read it, neither handle it; for I have charge not to suffer it to go out of my hands.

E "Archb. How then shall I know what it is?

F Murrey. Yes, I have order to read it unto you, but I may not part with it.

G Archb. I must conceive, that if I do not assent to it, his Majesty will give me leave to reply upon it; which I cannot do, but in my study, for there are my Books.

H Murrey. I must go with you into your Study, and sit by you till you have done.

I Archb. It is not so hasty a work, it will require time, and I have not been used to study, one sitting by me: but first read it, I pray you. The young Gentleman read it from one end to the other, being two or three sheets of Paper.

J Archb. This Answer is very bitter, but giveth me no satisfaction. I pray you leave the Writing with me, and I shall batter it to pieces.

K Murrey. No my Lord, I am forbidden to leave it with you, or to suffer you to touch it.

L Archb. How cometh this about? Are the Authors of it afraid of it, or ashamed of it? I pray you tell his Majesty, that I am dealt with neither Manly nor Scholar-like. Not Manly, because I must fight with Adversaries that I know not; nor Scholar-like, because I must not see what it is that must confute me. It is now Eight and fourty years ago that I came to the University, and since that time I have ever loved a Learned man; I have disputed and written divers Books, and know very well what appertaineth to the Schools. This is a new kind of Learning unto me, I have formerly found fault, that the Author of this Sermon quoth not the places whereupon he grounds his Doctrine; and when I have oft called for them, it is replied unto me, That I must take them upon the credit of the Writer, which I dare not do; for I have searched but one place, which he quoted in general, but sets down neither the Words, nor the Treatise, nor the Chapter, and I find nothing to the purpose for which it is quoted; and therefore I have reason to suspect all the rest. I pray you therefore, in the humblest manner, to commend my service to the King my Master, and let him know, that unless I may have all the Quotations set down, that I may examine them, and may have that Writing, wherein I am so ill used, I cannot allow the Book.

The Archbi-  
shop is not suf-  
fered to see the  
Writings, but  
Mr. Murrey  
reads it.

An. 1627.

Before I go further, it shall not be amiss to touch some particulars of that which I sent in writing to the King.

The first was page 2. Those words deserve to be well weighed, *And whereas the Prince pleads not the power of Prerogative.*

To this Mr. Murrey said, The King doth not plead it: But my reply was, By what then doth he coerce those Refractories? For I have not heard of any Law whereby they are imprisoned, and therefore I must take it to be by the King's Prerogative.

A To the second, page 8. *The King's duty is first to direct and make Laws.* There is no Law made till the King assent unto it; but if it be but simply to make Laws, it will cause much startling at it.

To this I remember not any material thing answered, neither to the third.

B *Page 10. If nothing may excuse from active obedience, but what is against the Law of God, or of Nature, or impossible:* How doth this agree with the first fundamental Position? *Page 5. That all Subjects are bound to all their Princes, according to the Laws and Customs of the Kingdom wherein they live.*

This is a fourth Case of Exception.

C And here before I go to the rest, the Doctor did truly hit upon a good point, in looking to the Laws and Customs, if he could have kept him to it; for in my memory, and in the remembrance of many Lords, and others that now live, Dr. Harsenet, the then Bishop of Chichester, and now of Norwich, in Parliament time preached a Sermon at Whitehall, (which was afterwards burned) upon the Text, *Give unto Cæsar the things that be Cæsars.* Wherein he insisted, That Goods and Money were Cæsars, and therefore they were not to be denied unto him.

D At this time, when the whole Parliament took main offence thereat, King James was constrained to call the Lords and Commons into the Banqueting-house at Whitehall, and there his Majesty calmed all, by saying, *The Bishop only failed in this, when he said, The Goods were Cæsars;* he did not add, They were his according to the Laws and Customs of the Country wherein they did live.

E So moderate was our Cæsar then, as I my self saw, and heard, being then an Eye and Ear witness; for I was then Bishop of London.

F To the Fourth, the Poll-money, in St. Matthew, was imposed by the Emperor, as a Conqueror over the Jews, and the execution of it in England, although it was by a Law, produced a terrible effect in King Richard the Second's time, when only it was used, for ought that appeareth.

Here the Bishop in the Paper excepted divers things, as, That sometimes among us by Act of Parliament, Strangers are appointed to pay by the Poll, which agreeth not with the case; and that it was not well to bring Examples out of weak times, whereas we live in better; but that it was a marvellous fault, the blame was not laid upon the Rebels of that Age.

Those are such poor things, that they are not worth the answering.

But my Objection in truth prevailed so far, that in the Printed Book it was qualifi'd thus: Poll-money, other persons, and upon some occasions; where obiter I may observe, That my refusing to sign the Sermon, is

3. Caroli.  


is not to be judged by the Printed Book, for many things are altered in one, which were in the other.

To the Fifth, page 12. it is in the bottom, view the Reign of *Henry the Third*, whether it be fit to give such allowance to the Book, being surreptitiously put out.

To this it was said, That being a good passage out of a blame-worthy Book, there was no harm in it.

A But before the Question of *Sibthorp's Treatise*, the Bishop of Bath himself being with me, found much fault with that Treatise, as being put out for a scandalous Parallel of those times.

To the sixth in the same *Page*, Let the largeness of those words be well considered, *Yea, all Antiquity to be absolutely for absolute Obedience to Princes, in all Civil or Temporal things*: For such Cases (as *Naboth's Vine-yard*) may fall within this.

B Here the Bishop was as a man in a rage, and said, That it was an odious comparison; for it must suppose, that there must be an *Ahab*, and there must be a *Jezebel*, and I cannot tell what: but I am sure my Exception standeth true, and reviling and railing doth not satisfie my Argument, *All Antiquity taketh the Scripture into it*; and if I had allowed that proportion for good, I had been justly beaten with my own Rod.

C If the King, the next day, had commanded me to send him all the Money and goods I had, I must, by my own Rule, have obeyed him; and if he had commanded the like to all the Clergy-men in *England*, by Dr. *Sibthorp's* proportion, and my Lord of *Canterbury's* allowing of the same, they must have sent in all, and left their Wives and Children in a miserable case. Yea, the words extend so far, and are so absolutely delivered, that by this Divinity, if the King should send to the City of *London*, and the Inhabitants thereto, commanding them to give unto him all the wealth which they have, they were bound to do it: I know our King is so gracious, that he will attempt no such matter; but if he do it not, the defect is not in their flattering Divines, who, if they were called to question for such Doctrine, they would scarce be able to abide it. There is a *Meum* and a *Tuum* in Christian Common-wealths, and according to Laws and Customs, Princes may dispose of it, that saying being true, *Ad Reges potestas omnium pertinet, ad singulos proprietas*.

D To the seventh, *Page 14. Pius Quintus* was dead before the year, One thousand five hundred and eighty.

E They make no Reply, but mend it in the Printed Book, changing it into *Gregory the Thirteenth*.

F To the last, in the same *Page*, weigh it well, How this Loan may be called a *Tribute*; and when it is said, *We are promised shall not be immoderately imposed*.

How that agreeth with his Majesty's Commission and Proclamation, which are quoted in the Margent, they make no Answer; but in the published Sermon, distinguisheth a *Tribute* from a *Loan* or *Aid*, whereby they acknowledged it was not well before; and indeed it was improper and absurd, worthy of none but Dr. *Sibthorp*.

I have now delivered the grounds whereupon I refused to authorise this Book, being sorry at my heart, that the King, my gracious Master, should rest so great a building upon so weak a foundation, the Treatise being so slender, and without substance, but that it proceeded from a hungry man.

If

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If I had been in Council, when the Project for this Loan was first handled, I would have used my best Reasons to have had it well grounded; but I was absent, and knew not whereupon they proceeded, only I saw it was followed with much vehemency: And since it was put in execution, I did not interpose my self to know the grounds of one, nor of the other.

It seemed therefore strange unto me, that in the upshot of the business, I was called in to make that good by Divinity, which others had done; and must have no other inducements to it, but Dr. Sibthorp's contemptible Treatise. I imagined this for the manner of the carriage of it, to be somewhat like unto the Earl of Somerset's Case, who abused the Wife of the Earl of Essex, must have her divorced from her Husband, and must himself marry her: And this must not be done, but that the Archbishop of Canterbury must ratifie all judicially. I know the Cases are different, but I only compare the manner of the carriage.

When the Approbation of the Sermon was by me refused, it was carried to the Bishop of London, who gave a great and stately allowance of it; the good man being not willing that any thing should stick which was sent unto him from the Court, as appeareth by the Book, which is commonly called, *The Seven Sacraments*, which was allowed by his Lordship, with all the Errors; which since that time have been expunged, and taken out of it.

But before this passed the Bishop's File, there is one accident which fitly cometh in to be recounted in this place. My Lord of London hath a Chaplain, Doctor Worrall by name, who is Scholar good enough, but a kind of free Fellow-like man, and of no very tender Conscience: Doctor Sibthorp's Sermon was brought unto him, and, *hand over head* (as the Proverb is) he approved it, and subscribed his name unto it. But afterwards, being better advised, he sent it to a learned Gentleman of the Inner-Temple, and writing some few lines unto him, craveth his opinion of that which he had done; the Gentleman read it: but although he had promised to return his judgment by Letter, yet he refused so to do, but desired, that Doctor Worrall would come himself; which being done, he spake to this purpose: What have you done? You have allowed a strange Book yonder; which, if it be true, there is no Meum or Tuum, no man in England hath any thing of his own: If ever the Tide turn, and matters be called to a reckoning, you will be hanged for publishing such a Book. To which the Doctor answered, Yea, but my hand is to it; what shall I do? For that, the other replied, you must scrape out your name, and do not so much as suffer the sign of any letter to remain in the paper. Which accordingly he did, and withdrew his finger from the Pye.

But what the Chaplain well advised would not do, his Lord, without sticking, accomplished; and so being insensibly hatched, it came flying into the World: But in my opinion, the Book hath perswaded very few understanding men, and hath not gained the King six-pence.

Sibthorp's Sermon licensed by the Bishop of London.

Mr. Selden.

Pars

3 Caroli.

*Pars Secunda.*

A **H**itherto I have declared at length all passages concerning the Sermon, and, to my remembrance, I have not quitted any thing that was worthy the knowing. I am now in the second place to shew what was the issue of this not allowing the worthy and learned Treatise. In the height of this Question, I privately understood, from a Friend in the Court, that for a punishment upon me, it was resolved, that I should be sent away to *Canterbury*, and confined there. I kept this silently, and expected God's pleasure; yet laying it up still in my mind, esteeming the Duke to be of the number of them, touching whom *Tacitus* observeth, *That such as are false in their love, are true in their hate.* But whatsoever the event must be, I made that use of the Report, that *Facula prævisa minus feriunt.* The Duke, at the first, was earnest with the King, that I must be presently sent away before his going to Sea: For, saith he, if I were gone, he would be every day at *Whitchall*, and at the Council Table, and there will crois all things that I have intended. To meet with his Objection, I got me away to *Croyden* a moneth sooner than in ordinary years I have used to do; but the Term was ended early, and my main fit of the Stone did call upon me to get me to the Country, that there on Horse-back I might ride upon the Downs; which I afterwards performed, and, I thank God, found great use of it, in recovering of my stomach, which was almost utterly gone.

B The Duke hastned his preparations for the Fleet; but still that cometh in for one *Memorandum*, That if he were once absent, there should no day pass over, but that the Archbishop would be with the King, and infuse things that would be contrary to his proceedings. What a miserable and restless thing Ambition is, when one Talented, but as a common person, yet by the favour of his Prince, hath gotten that interest, that, in a sort, all the Keys of *England* hang at his Girdle, (which the wise Queen *Elizabeth* would never endure in any Subject) yet standeth in his own heart in such tickle terms, as that he feared every shadow, and thinketh, that the lending of the King's ear unto any grave and well-seasoned Report, may blow him out of all; which, in his estimation, he thinketh is settled upon no good foundation, but the affection of the Prince, which may be mutable, as it is in all men more or less: If a man would wish harm unto his Enemy, could he wish him a greater torment, than to be wrested and wringed with ambitious thoughts? Well, at first it went current, that with all haste I must be doffed, but upon latter consideration, it must be staid till the Duke be at Sea, and then put in execution by the King himself, that, as it seemeth, *Buckingham* might be free from blame, if any should be laid upon any person. Hence it was, that after his going, there was new prosecution of the *York-shire* men, and the refusing *Londoners* were pursued more fervently than before; and it is very likely, that the Arrow came out of the same Quiver; that the Bishop coming to the Election at *Westminster*, was driven back so suddenly to *Bugden*. Take heed of these things, Noble Duke, you put your King to the worst parts, whereof you may hear one day: So when your Sovereign in the Parliament time had spoken sharply to both Houses, commanding them to go together again, and

The Duke  
priveth his  
Majesty to  
have the Arch-  
bishop sent  
away before  
he set to Sea.

M m m to

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to give more money, and commanding them to meddle no more with the Duke of Buckingham; you came the next day, and thought to smooth all, taking the glory of qualifying disturbances to your self; whereas if you had read Books of true State Government, wherewithall you are not acquainted, sweet things are personally to be acted by Kings and Princes, as giving of Honours, and bestowing of noted Benefits; and those things that are sour and distasteful, are to be performed by their Ministers, **you go the contrary way.**

But as before the whole House faileth on fire, some sparks do flie out; so, before the Message of the King was brought me by the Secretary, there were some inklings that such a thing would follow. And upon the naming of me (by occasion) it was said by a Creature of the Duke's, That it would not be long, before the Archbishop should be sequestred (that was the word.) So well acquainted are the Duke's followers with great actions that are ready to fall out in State.

Accordingly on Tuesday the Fifth of July, One thousand six hundred twenty and seven, the Lord Conway came unto me to Croydon, before Dinner time, having travelled, as he said, a long journey that morning, even from Oatlands thither; he would say nothing till he had dined: then, because he was to return to Oatlands that night, I took him into the Gallery, and when we were both sat down, we fell to it in this manner.

**M**y Lord, I know you, coming from Court have somewhat to say to me.

*Secretary.* It is true, my Lord, and I am the most unwilling man in the world to bring unpleasing news to any person of quality, to whom I wish well, and especially to such a one, as of whose Meat I have eaten, and been merry at his House: But I come from the King, and must deliver his pleasure; I know who you are, and much more, with very civil language.

*Archb.* I doubt not, my Lord, but you have somewhat to say; and therefore I pray you in plain terms let me have it.

*Secret.* It is then his Majesty's pleasure, that you should withdraw your self unto Canterbury; for which he will afford you some convenient time.

*Archb.* Is that it? Then I must use the words of the *Psalmist*, *He shall not be afraid of any evil tidings, for his heart standeth fast, and believeth in the Lord.* But, I pray you, what is my fault that bringeth this upon me?

*Secret.* The King saith, you know.

*Archb.* Truly I know none, unless it be that I am lame, which I cannot help; it is against my will, I am not proud of it.

*Secret.* The King bad me tell you, that if any expostulation were used -----

*Archb.* No, I will not use any expostulation; if it be his pleasure, I will obey. I know my self to be an honest man, and therefore fear nothing. But, my Lord, do you think it is for the King's service in this sort to send me away?

*Secret.* No, by God! I do not think it, and so yesterday I told the King with an Oath; but he will have it so.

*Archb.* I must say as before, *He shall not be afraid of any evil tidings, for his heart standeth fast, and he believeth in the Lord.* But I pray

The Archbishop commanded to withdraw.

A

B

C

D

E

F

3 Caroli.

pray you, my Lord, is the King precisely set upon my going to *Canterbury*? There are questions in Law between me and that Town, about the Liberty of my Archbischoprick, which I, by my Oath, am bound to maintain ; and if I should be among them, I have many Adversaries of the Citizens; I have there some Tenants, and the Dean and Chapter are interessed in the Question; I would be unwilling that my Servants and their People should fall together by the ears, while I am in the Town:

A His Majesty knows this difference to be between us, by the token that a Suit which I lately brought against them, by a *Quo Warranto* in the King's Bench, was stopped, Justice being denied me, which is not usual to be denied to any Subject; and the King well knoweth by whose means it was stayed. I have therefore another House, called *Foord*, five miles beyond *Canterbury*, and more out of the way ; his Majesty may be pleased to let me go thither.

B *Secret.* I can say nothing to that, but I will acquaint the King with it ; and I conceive nothing to the contrary, but that his Majesty will yield so much unto you. I have a second charge to deliver unto you, and that is, That his Majesty will not have you from henceforth to meddle with the High Commission ; he will take care that it shall be done otherwise.

C *Archb.* I do not doubt but it shall be better managed, than it hath been by me : And yet, my Lord, I tell you, that for these many years that I have had the direction of that Court, the time is to come, that ever honest man did find fault, that he had not there Justice done.

*Secret.* It is now Vacation time, and so consequently little to do ; and by *Michaelmas* his Majesty may set all in order.

*Archb.* I am sorry that the King proceedeth thus with me, and letteth me not know the cause.

D *Secret.* Although I have no Commission to tell you so, it is for a Book which you would not allow, which concerned the King's Service.

*Archb.* If that be it, when I am questioned for it, I doubt not but to give an honest Answer.

*Secret.* You will never be questioned for it.

*Archb.* Then am I the more hardly dealt withal, to be censured, and not called to my Answer.

E *Secret.* Well, my Lord, I will remember that of *Foord* ; and will your Grace command me any more service ?

*Archb.* No, my Lord, but God be with you ; only I end where I began , with the words of the Prophet , *He shall not be afraid for any evil tidings, for his heart standeth fast, and believeth in the Lord.*

The Lord  
Conway tells  
the Archbi-  
shop the rea-  
son why he is  
commanded to  
retire.

F It comforted me not a little, that the word was now out : My confining must be for not allowing of a Book ! I had much ado to forbear smiling when I heard it, because now it was clear, it was not for Felony or Treason that was laid to my charge, nor for intelligence with the Spaniards or French, nor for correspondency with Jesuits or Seminary Priests, or any other grievous crime, I thank God for that. I had almost forgotten, that among many other memorable Speeches that passed between us, I used this one, That peradventure the King might be offended at me, because I was no more present at the matter of the

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Loan; but, said I, my lameness hindered me therein, and I hoped thereby to do my Master better service, because if ever course be taken to reconcile the King and his People, (which if it be not, this Kingdom will rue it in the end) I would hope among many other, to be a good Instrument therein, since my hand hath not been in those bitternesses which have of late fain out.

You say well, saith the *Secretary*: Would you that I should tell the King so much? Yea, said I, if you please; I hold it not unfit that his Majesty should know it. A

What he reported therin, I do not know; but matters proceeded in the former course, as if there were no regard had of any such thing.

The Lord *Conway* being gone from me for two or three days, I expected to hear the resolution, to what place in *Kent* I should betake myself; and receiving no news, I tossed many things in my mind, as perhaps, that the King desired to hear somewhat from the Duke, how he sped in his journey; or that peradventure he might alter his purpose, upon report of my ready obeying; or that it might so fall out, that some of the Lords of the Court understanding, upon the *Secretary's* return from *Croyden*, that which was formerly concealed from them, might infuse some other Counsels into the King. These thoughts I resolved, at last, not forgetting the courses of the Court, and imprinting that into my heart, That there was no good intended towards me, but that any advantage would be taken against me, I sent a man to *Whitchall*, whether the King was now come for a night or two, and by him I wrote to the Lord *Conway*, in these words. B

## My very good Lord,

The Archbishop writes to the Lord *Conway*, to know if his Majesty will give him his choice of two Houses to retire to.

I Do not forget the Message which you brought unto me on Thursday last, and because I have heard nothing from you since that time, I send this Messenger on purpose to know what is resolved touching the House, or Houses where I must remain: There belong to the Archbischoprick three Houses in *Kent*, one at *Canterbury*, another five miles beyond, called *Foord*, and a third on the side of *Canterbury*, but two miles off, the name whereof is *Becksburn*. D

I pray your Lordship to let me know his Majesty's pleasure, whether he will leave the choice of any of those Houses to me to reside in: I have reason to know the resolution hereof, because I must make my provision of Wood, and Coals, and Hey, for some definite place; and when I shall have Brewed, it is fit I should know where to put it, or else it will not serve the turn: It is an unseasonable time to brew now, and as untimely to cut Wood, being green in the highest degree, and to make Coals, without all which, my House cannot be kept. But when I shall know what must be my Habitation, I will send down my Servants presently, to make the best Provisions that they can. And so expecting your Lordship's Answer, I leave you to the Almighty, and remain, E

*Croyden, July 10.  
1627.*

Your Lordship's  
very loving Friend,

G. Cant.

He

He made my Servant stay, and when he had gone up to know the King's further pleasure, he returned me the Answer following.

### May it please your Grace;

A *I am ashamed, and do confess my fault, that I wrote not to your Grace before I received your Reproof, though a gracious one, but, in truth, I did not neglect, nor forget. But the continual oppression of business, would not permit me to advertise to your Grace the King's Answer. His Majesty heard seriously your Professions and Answers, and commanded me to signify unto you, That he knew not the present difference between you and the Town; and if he had, he would not have cast you into that inconvenience. He was well pleased you should go to your House at Foord, and said, he did not expect when the Question was ended between your Grace and the Town, that you should go to Canterbury.*

B *And he further said, He would not tie you to so short a time, as might be any way inconvenient, but doth expect, that your Grace will govern it so, as his Majesty shall not need to warn you a second time.*

C *I will not fail to move his Majesty, to give you liberty to chuse either of your Houses you name, and give you knowledge of his pleasure, and in all things be ready to obey your commandments, or take occasion to serve you in the condition of*

The Lord  
Conway's  
Answer.

Whitehall, July 10.  
1627.

Your Grace's

most humble Servant,

*Conway.*

E I could not but observe therein that passage, That the King doth expect, that your Grace will govern it so, as his Majesty will not need to warn you a second time; I needed no Interpreter to expound those words, and therefore did take order, that one of my Officers was presently dispatched unto Foord, to see the House ready.

F While Necessaries were caring for, and I lay for some days at Croyden, and afterwards at Lambeth, the City of London was filled with the report of my confining (for so they did term it) and divers men spake diversly of it. I will not trouble my self to mention some idle things, but some other of them require a little consideration. A main matter that the Duke was said to take in ill part, was, the resort which was made to my House at the times of Dinner and Supper, and that oftentimes of such as did not love him.

The reason  
why the Duke  
was thought to  
be offended  
with the Arch-  
bishop.

G My Answer unto that is, That by Nature I have been given to keep a House according to my proportion, since I have had any means, and God hath blessed me in it. That it is a property by Saint Paul

The Archbi-  
shop accustom-  
ed to Hospi-  
tality.

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King James  
enjoyed the  
Archbishop to  
live like an  
Archbishop.

*Paul required in a Bishop, That he should be given to hospitality; that it is another of his Rules, Let your conversation be without covetousness; and those things I had in mine eyes. Besides, I have no Wife nor Child; and as for my Kindred, I do that for them which I hold fit; but I will not rob the Church nor the poor for them.*

Again, It is so rare a fault in these days, that men not feeding on the King's meat, but of their own charge, should frankly entertain their Friends when they come unto them, that I deserve to be pardoned for it. But this is not all.

When King James gave me the Bishoprick, he did once between him and me, and another time before the Earl of *Salisbury*, charge me that I should carry my House Nobly (that was his Majesty's word) and live like an Archbishop; which I promised him to do: And when men came to my house, who were of all civil sorts I gave them friendly entertainment, not sifting what exceptions the Duke made against them; for I knew he might as undeservedly think ill of others, as he did of me. But I meddled with no man's quarrels, and if I should have received none but such as cordially, and in truth, had loved him, I might have gone to Dinner many times without company. There frequented me Lords Spiritual and Temporal, divers Privy Counsellors, as occasion served, and Men of the highest Rank; where, if the Duke thought that we had busied our selves about him, he was much deceived: Yet perhaps the old saying is true, *That a man who is guilty of one Evil to himself, thinketh that all men that talk together, do say somewhat of him.* I do not envy him that happiness, but let it ever attend him.

As for other men of good report, but of lesser quality, I have heard some by name, to whom exception hath been taken, and these are three, (I know from the Court, by a Friend, that my House, for a good space of time, hath been watched; and I marvel that they have not rather named sixty than three.)

The Duke was  
not pleased  
that Sir Dudley  
Diggs frequen-  
ted the Arch-  
bishop's houle.

The first of these is Sir *Dudley Diggs*, a very great Mote in the Duke's Eye, as I am informed; for it is said, That this Knight hath paid him in Parliament with many sharp speeches. If this be so, yet what is that to me? He is of age to answer for himself. But in the time of the late Parliament, when the Earl of *Carlile* came unto me, and dealt with me thereabout, I gave him my word, and I did it truly, That I was not acquainted with these things; only being sick, as I was, I had in general given him advice, That he should do nothing, that might give just offence to the King; and I have credibly heard, that when Sir *Dudley* was last in the *Fleet*, committed from the Council-Table, he was much dealt withal to know, Whether he was not instigated by me to accuse the Duke in Parliament: The Knight, with all the protestations and assurances that could come from a Gentleman, acquitted me of the part, and whole, wherein he did me but right: And I do remember, when that man, now so hated, was a great Servant of the Duke's So that if he have now lost him, it cannot but be presumed, that it is for some unworthy carriage, which the Gentleman conceiveth hath, by that Lord, been offered unto him.

Moreover, how can I but imagine, the words and actions of Sir *Dudley Diggs* have been ill interpreted, and reported: when I my self saw the Duke stand up nine times in a morning in the Parliament House,

to

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B

C

D

E

F

3 Caro.

A to fasten upon him words little less (if at all less) than Treason; when by the particular Votes of all the Lords and Commons in both Houses, he was quit of those things, which the other would have enforced upon him: And a little while before he was hastily clapt into the Tower, and within a day or two released again, because nothing was proved against him. And I assure you, I am so little interresled in his actions, that to this day I could never learn the reason why he was imprisoned in the Fleet, although he was kept there for seven or eight weeks. I distinguish the King from the Duke of Buckingham, the one is our Sovereign by the Laws of God and Men; the other a Subject as we are: And if any Subject do impeach another, though of different degrees, let the Party grieved remedy himself by Law, and not by Power.

B But to speak further for this Knight, I may not forget when he was publickly employed, one time to the Hague, a second time to Alusco-via, and thirdly, into Ireland, about affairs of the State; such opinion was then held of his good endeavours. And, for my own part, ever since the days of Queen Elizabeth, I have been nearly acquainted with him; he was my Pupil at Oxford, and a very towardly one; and this knowledge each of other, hath continued unto this time. He calleth me Father, and I term his Wife my Daughter, his eldest Son is my God-son, and their Children are, in love, accounted my Grandchildren.

The Archbi.  
shop was Tu-  
tor to Sir Dud-  
ley Diggs at  
Oxford.

C The second that I have heard named, was Sir Francis Harrington, a Gentleman whom, for divers years, I have not seen, and who, for ought I know, was never in my house but once in his life.

D The third was Sir Thomas Wentworth, who had good occasion to send unto me, and sometimes to see me, because we were joyned Executors to Sir George Savile, who married his Sister, and was my Pupil at Oxford; to whose Son also, Sir Thomas Wentworth and I were Guardians, as may appear in the Court of Wards, and many things passed between us in that behalf; yet, to my remembrance, I saw not this Gentleman but once in these three quarters of a year last past; at which time he came to seek his Brother-in-law, the Lord Clifford, who was then with me at Dinner at Lambeth.

The Duke was  
offended that  
Sir Thomas  
Wentworth fre-  
quented the  
Archbishop's  
house.

E For one of the punishments laid upon me, it was told me by the Lord Conway, That I must meddle no more with the High Commission; and accordingly within a few days after, a Warrant is sent to the Attorney General, that the Commission must be renewed, and the Archbishop must be left out: This under-hand being buzzed about the Town, with no small mixture of spight, I conceived it to be agreeable to the proceedings with the Lords and Gentlemen which refused to contribute to the Loan, they all being laid aside in the Commissions for Lieutenancy, and the Peace, in their several Countries. For my part, I had no cause to grieve at this, since it was his Majesty's pleasure; but it was by the Actors therein understood otherwise, they supposing, that this power gave me the more Authority and Splendor in the Church and Commonwealth.

The Archbi-  
shop com-  
manded to meddle  
no more in the  
High Commis-  
sion.

F To deliver therefore truly the state of this Question, It cannot be denied, but that it was a great point of Policy, for the establishing of Order in the Ecclesiastical, and consequently Civil Estate also, to erect such

Commendati-  
ons of the High  
Commission  
Court.

*An. 1627.* such a Court, whereby Church-men that exorbitated in any grievous manner, might be castigated, and rectifi'd; and such sort of crimes in the Laity might be censured, as were of Ecclesiastical Cognizance. And verily this is of great use in the Kingdom, as well for the cherishing the Study of the Civil Law, as otherwise: so that it be kept incorruptible, and with that integrity, as so grave a Meeting and Assembly requireth. That was principally my care, who took much pains, and spent much money, that in fair and commendable sort, Justice was indifferently administered to all the King's people that had to do with us: But every one might see, that this was to my singular trouble; for besides that to keep things in a streight course, sometimes in fits of the Gout, I was forced by my Servants to be carried into the Court, where I could not speak much, but with difficulty; I was at no time free from Petitions, from Examinations, from signing of Warrants, to call some, to release others, from giving way to speeding and forwarding Acts of Courts; Suitors, as their fashion is, being so importunate, as that in Summer and Winter, in the day, and in the night, in sickness and health, they would not be denied.

These things were daily dispached by me out of Duty, and more out of Charity, no allowance of Pay being from the King, or of Fee from the Subject, to us that were the Judges: Nay, I may say more, the holding of that Court in such sort as I did, was very expenceful to me out of my private purse, in giving weekly entertainment to the Commissioners; the reason whereof was this: King *James* being desirous, when he made me Archbishop, that all matters should gravely and honourably be carried, directed me, that I should always call some of the Bishops, that were about London, and some Divines, and Civilians, that by a good Presence, Causes might be handled for the reputation of the Action; and willed me withal to imitate therein the Lord Archbishop *Whitgift*, who invited weekly some of the Judges to Dinner, the rather to allure them thither. This advice proceeded from the Bishop of *Durham* that now is, which was not ill, if it came from a good intention.

The High Commissioners chargeable to the Archbishop.

I obeyed it singly, and did that which was enjoyned: But whereas in those times the Commissioners were but few, since that time there hath been such an inundation of all sorts of men into that Company, that without proportion, both Lords Spiritual and Temporal, Commissioners and not Commissioners, resorted thither, and divers of them brought so many of their men, that it was truly a burthen to me. I think it may by my Officers be justified upon Oath, That since I was Archbishop, the thing alone hath cost me out of my private Estate One thousand pounds and a half, and if I did say Two thousand pounds, it were not much amiss, besides all the trouble of my Servants; who neither directly, nor indirectly, gained six pence thereby in a whole year, but only travel and pains for their Master's honour, and of that they had enough: My house being like a great Hosterie every Thursday in the Term; and for my Expences, no man giving me so much as thanks.

Now this being the true Case, if the Church and Common-wealth be well provided for in the Administration of Justice, and regard be had of the Publick, can any discreet man think, that the removing of me from this molestation, is any true punishment upon me? I being one that have framed my self to Reality, and not to Opinion, and growing more and more in years, and consequently into weakness, having

having before surfeited so long of worldly shews, whereof nothing is truly gained temporally, but vexation of spirit; I have had enough of these things, and do not dote upon them: The world, I hope, hath found me more stayed and reserved in my courses.

A Nevertheless, whatsoever was expedient for this, was dispatched by me while I lived at *Lambeth* and *Croyden*, albeit I went not out of door.

B Yea, but you were otherwise inutile, not coming to the *Star-Chamber*, nor to the *Council-Table*.

C My pain, or weakness, by the *Gout*, must excuse me herein. When I was younger, and had my health, I so diligently attended at the *Star-Chamber*, that for full seven years I was not one day wanting. And for the *Council-Table*, the same reason of my indisposition may satisfie: But there are many other things that do speak for me. The greatest matters there handled, were for Money, or more attempts of War: For the one of these, we of the *Clergy* had done our parts already; the *Clergy* having put themselves into Payments of Subsidy, by an *Act* of Parliament, not only for these two last years, when the Temporality lay in a sort dry, but yet there are three years behind, in which our Payments run on with weight enough unto us; and no man can justly doubt, but my hand was in those Grants in a principal fashion.

D C And concerning the Provisions for War, I must confess mine ignorance in the Feats thereof; I knew not the grounds whereupon the controversies were entred in general; I thought, that before Wars were begun, there should be store of Treasure; That it was not good to fall out with many great Princes at once; That the turning of our Forces another way, must needs be some diminution from the King of *Denmark*, who was engaged by us into the Quarrel for the *Palatinate* and *Germans*, and hazarded both his Person and Dominions in the prosecution of the Question. These matters I thought upon, as one that had sometimes been acquainted with Councils; but I kept my thoughts unto my self.

E Again, I was never sent for to the *Council-Table*, but I went, saving one time, when I was so ill, that I might not stir abroad.

F Moreover, I was sure that there wanted no Counsellers at the Board, the number being so much increased as it was. Besides, I had no great encouragement to thrust my crazy Body abroad, since I saw what little esteem was made of me in those things which belonged to mine own Occupation; with Bishopricks, and Deanries, or other Church-places, I was no more acquainted than if I had dwelt at *Venice*, and understood of them but by some *Gazette*.

The Duke of *Buckingham* had the managing of these things, as it was generally conceived: For, what was he not fit to determine, in Church, or Common-wealth; in Court, or Council; in Peace, or War; at Land, or at Sea; at home, or in Forreign parts?

Mountague had put out his *Arminian Book*; I three times complain'd of it, but he was held up against me, and by the Duke, magnified as a well-deserving man.

Cosens put out his Treatise, which they commonly call, [ *The Seven Sacraments*: ] which, in the first Edition, had many strange things in it, as it seemeth: I knew nothing of it, but as it pleased

The Archbi-  
shop's infirmi-  
ty permitted  
him not to  
come to the  
Star-Chamber,  
or Councill-  
table.

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my Lord of *Durham*, and the Bishop of *Bath*: So the World did read.

We were wont in the High-Commission, to repress obstinate and busie Papists: In the end of King *James* his time, a Letter was brought me under the Hand and Signet of the King, That we must not meddle with any such matter, nor exact the Twelve pence for the *sunday* of those which came not to the Church, ( with which Forfeit we never medled. ) And this was told us to be in contemplation of a Marriage intended with the *Lady Mary*, the Daughter of *France*.

A  
After the death of King *James*, such another Letter was brought from King *Charles*, and all Executions against Papists were suspended. But when the Term was at *Reading*, by open divulgation in all Courts, under the Great Seal of *England*, We and all Magistrates are set at liberty to do as it was prescribed by Law: And now our Pursuivants must have their Warrants again, and take all the Priests they can; whereof Mr. *Cross* took fourteen or fifteen in a very short space. Not long after, all these are set free; and Letters come from the King, under his Royal Signet, That all Warrants must be taken from our Messengers, because they spoiled the Catholicks, and carried themselves unorderly unto them, especially the Bishop's Pursuivants: Whereas we had in all but two; *Cross*, my Messenger, for whom I did offer to be answerable; and *Thomlinson*, for whom my Lord of *London* ( I think ) would do as much. But the Caterpillers indeed, were the Pursuivants used by the Secretaries, men of no value, and shifters in the world, who had been punished and turn'd away by us for great misdemeanors.

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But truth of Religion and God's Service, was wont to over-rule humane Policies, and not to be over-ruled; and I am certain, that things best prosper, where those courses are held. But be it what it may be, I could not tell what to make of this Variation of the Compacts, since it was only commanded unto me to put such and such things in execution. But I never understood any thing of the Counsel, whereby I might give my judgment how fit or unfit they were, or might speak to alter the Tenure, whereunto in former times I had been otherwise used. Variety of Reasons breedeth Variety of Actions.

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For the matter of the Loan, I knew not a long time what to make of it: I was not present when the Advice was taken; I understood not what was the Foundation whereupon the Building was raised, neither did ever any of the Council acquaint me therewith. I saw on the one side the King's necessity for Money, and especially it being resolved, that the War should be pursued; and on the other side I could not forget, that in the Parliament great Sums were offered, if the Petitions of the Commons might be hearkened unto. It ran still in my mind, That the old and usual way was best; That in Kingdoms, the Harmony was sweetest, where the Prince and the People tuned well together; That whatsoever pretence of Greatness, he was but an unhappy man, that set the King and the Body of the Realm at division; That the People ( though not fit to be too much cockered, yet ) are they, that must pray, that must pay, that must fight for their Princes; That it could not be, that a man so universally hated in the Kingdom as the Duke was, must, for the preservation of himself, desperately adventure on any thing, if he might be hearkened unto.

A These Meditations I had with my self; and, God knoweth, I frequently in my prayers did beg, That he, whom these things did most concern, would seriously think upon them. It ran in my mind, that this new device for Money could not long hold out; That then we must return into the High-way, whether it were best to retire our selves betimes, the shortest Errors being the best. But these thoughts I suppressed within my Soul; neither did I ever discourage any man from Lending, nor encourage any man to hold back: which I confidently avouch.

B At the opening of the Commission for the Loan, I was sent for from *Croyden*. It seemed to me a strange thing; but I was told there, That howsoever it shewed, the King would have it so, there was no speaking against it. I have not heard, that men throughout the Kingdom should lend money against their will; I knew not what to make of it: But when I saw the Instructions, the Refusers should be sent away for Soldiers to the King of *Denmark*, I began to remember *Urias*, that was set in the fore-front of the Battel; and, to speak truth, I durst not be tender in it. And when afterwards I saw, that men were to be put to their Oath, with whom they had had conference, and whether any did dissuade them? And yet further beheld, that divers were to be imprisoned: I thought this was somewhat a New World. Yet all this while I swallowed my own spittle, and spake nothing of it to any man. Nay, when after some trial in *Middlesex*, the first Sitting was for *Surrey* C in my House at *Lambeth*, and the Lords were there assembled with the Justices of the whole County, I gave them entertainment in no mean fashion: and I sate with them, albeit I said nothing; for the confusion was such, that I knew not what to make of it: Things went on every day, and speech was, of much Money to be raised out of some Counties; yet afterwards it was not so readily paid, as preferred; and at length some refused even in *London* it self, and *Southwark*, besides many Gentlemen of special rank, and some Lords, as it was said. And D though it was reported, that they were but a contemptible company, yet the Prisons in *London* demonstrated, that they were not a very few, but persons both of note and number. The Judges besides concurring another way, That they could not allow the Legality of the Demand, and the Enforcement that is used thereupon, did somewhat puzzle me for being too busie in promoting of that, for which I might one day suffer. Yet hitherto I remained silent, hoping that time would break that off, which was almost come to an absolute period. But in stead of this, E by the permission of God, I was called up to the King to look clearly into the Question. When the allowance of *Sibthorp's Pamphlet* was put upon me, I then had some reason, out of the grounds of that Sermon, to fear, ( and I pray God that my fear was in vain ) that the Duke had a purpose to turn upside down the Laws, and the whole Fundamental Courses, and Liberties of the Subject, and to leave us not under the Statutes and Customs which our Progenitors enjoyed, but to the pleasure of Princes; of whom, as some are gentle and benign, so some others, to ingreat themselves, might strain more than the string will bear.

F Besides, now it came in my heart, that I was present at the King's Coronation, where many things on the Prince's part were solemnly promised; which being observed, would keep all in order, and the King should have a loving and faithful people, and the Commons should have

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a kind and gracious King. The contemplation of these things made me stay my Judgment ; not any unwillingness to do my Prince any dutiful service, whom I must and do honour above all the Creatures in the World, and will adventure as far for his true good, as any one whatsoever. But I am loath to plunge my self over head and ears in these difficulties, that I can neither live with quietness of conscience, nor depart out of the world with good fame and estimation. And perhaps my Sovereign, if hereafter he looked well into this Paradox, would, of all the world, hate me, because one of my Profession, Age, and Calling, would deceive him, and with base flattery swerve from the truth. *The hearts of Kings are in the hand of God, and he can turn them as the rivers of water.*

*The Archbi-*  
*shop's observa-*  
*tion concer-*  
*ning the rise of*  
*the Duke.*

I draw to a conclusion ; only repute it not amiss (because so much falleth in here) to observe a few words of the Duke of *Buckingham*, not as now he is, but as he was in his rising. I say nothing of his being in *France*, because I was not present, and divers others there be that remember it well ; but I take him at his first repair to Court. King *James*, for many insolencies, grew weary of *Somerset* ; and the Kingdom groaning under the Triumvirate of *Northampton*, *Suffolk*, and *Somerset*, (though *Northampton* soon after died) was glad to be rid of him. We could have no way so good to effectuate that which was the common desire, as to bring in another in his room ; one Nail (as the Proverb is) being to be driven out by another. It was now observed, that the King began to cast his eye upon *George Villiers*, who was then Cup-bearer, and seemed a modest and courteous Youth. But King *James* had a fashion, that he would never admit any to nearness about himself, but such an one as the Queen should commend unto him, and make some suit on his behalf ; that if the Queen afterwards, being ill intreated, should complain of this Dear ore, he might make his answer, *It is long of your self, for you were the party that commended him unto me.* Our old Master took delight strangely in things of this nature.

That Noble Queen (who now resteth in Heaven) knew her Husband well ; and having been bitten with Favourites both in *England* and *Scotland*, was very shie to adventure upon this request. King *James*, in the meantime, more and more loathed *Somerset*, and did not much conceal it, that his affection increased towards the other ; but the Queen would not come to it, albeit divers Lords (whereof some are dead, and some yet living) did earnestly sollicit her Majesty thereunto. When it would not do, I was very much moved to put to my helping hand, they knowing, that Queen *Anne* was graciously pleased to give me more credit than ordinary, which all her attendants knew she continued till the time of her death. I laboured much, but could not prevail ; the Queen oft saying to me, *My Lord, you and the rest of your friends know not what you do : I know your Master better than you all ; for if this young man be once brought in, the first persons that he wil plague, must be you that labour for him ; yea, I shall have my part also : The King will teach him to despise and hardly intreat us all, that he may seem to be beholden to none but himself.* Noble Queen ! how like a Prophetess or Oracle did you speak !

Notwithstanding this, we were still instant, telling her Majesty, that the Change would be for the better : For *George* was of a good nature, which the other was not ; and if he should degenerate, yet it would be a long time before he were able to attain to that height of evil, which the other

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other had. In the end, upon importunity, Queen Anne condescended, and so pressed it with the King, that he assented thereunto: Which was so stricken while the Iron was hot, that in the Queen's Bed-chamber, the King Knighted him with the Rapier which the Prince did wear. And when the King gave order to swear him of the Bed-chamber, *Somerset*, who was near, importuned the King with a Message, that he might be only sworn a Groom: But my self and others that were at the door, sent to her Majesty, that she would perfect her work, and cause him to be sworn a Gentleman of the Chamber. There is a Lord or two living that had a hand in this achievement; I diminish nothing of their praise for so happy a work: But I know my own part best; and, in the word of an honest man, I have reported nothing but truth. *George* went in with the King; but no sooner he got loose, but he came forth unto me into the Privy-gallery, and there embraced me: he professed, that he was so infinitely bound unto me, that all his life-long he must honour me as his Father. And now he did beseech me, that I would give him some lessons how he should carry himself. When he earnestly followed this chace, I told him I would give him three short Lessons, if he would learn them. The first was, That daily upon his knees he should pray to God to bless the King his Master, and to give him (*George*) grace, studiously to serve and please him. The second was, That he should do all good offices between the King and the Queen, and between the King and the Prince. The third was, That he should fill his Masters ears with nothing but Truth. I made him repeat these three things unto me, and then I would have him to acquaint the King with them, and so tell me, when I met him again, what the King said unto him. He promised me he would; and the morrow after, Mr. *Tho. Murrey*, the Prince's Tutor, and I, standing together in the Gallery at *White-hall*, Sir *George Villiers* coming forth, and drawing to us, he told Mr. *Murrey* how much he was behoden unto me, and that I had given him certain Instructions; which I prayed him to rehearse, as indifferently well he did before us; yea, and that he had acquainted the King with them, who said, They were Instructions worthy of an Archbishop to give to a young man. His countenance of thankfulness for a few days continued, but not long, either to me, or any others his Well-wishers. The Roman Historian *Tacitus* hath somewhere a Note, That Benefits, while they may be requited, seem Courtesies; but when they are so high that they cannot be repaid, they prove matters of Hatred.

E Thus, to lie by me, to quicken my remembrance, I have laid down the Cause and the Proceedings of my sending into *Kent*, where I remain at the writing of this Treatise: Praying God to bless and guide our King aright; To continue the prosperity and welfare of this Kingdom, which at this time is threwdly shaken; To send good and worthy men to be Governours of our Church; To prosper my mind and body, that I may do nothing that may give a wound to my Conscience; and then to send me patience quietly to endure whatsoever his Divine Majesty shall be pleased to lay upon me; *Da quod jubes, & jube quod vis!* And in the end to give me such a happy deliverance, either in life or death, as may be most for his glory, and for the wholsom example of others, who look much on the Actions and Passions of Men of my Place.

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**A**MONGST those many Gentlemen who were imprisoned throughout England, for refusing to lend upon the Commission for Loans, only Five of them brought their *Habeas Corpus*, viz. Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, Sir Edward Hampden.

In Michaelmas Term, 3 Caroli, a Return was made of their several Commitments. [To instance only in one, all the rest being in the same form.] The Warden of the Fleet made this Return,

"That Sir Walter Earl Knight, named in the Writ, is detained in the Prison of the Fleet in his custody, by special command of the King, "to him signified by Warrant of several of the Privy-Council, in these words:

*Whereas Sir Walter Earl Knight, was heretofore committed to your Custody, These are to will and require you still to detain him, letting you know, that both his first Commitment; and direction for the continuance of him in Prison, were, and are, by his Majesty's special commandment.*

From Whitehall, Novemb. 7. 1627.

**Tho. Coventrey.**

Sir Thomas Darnel was the first that was brought to the Bar upon that Writ, where the King's Attorney-General, Sir Robert Heath, did inform the Court, that his Majesty told him, He heard, that some of the imprisoned Gentlemen for the Loan did report, That the King did deny them the course of Justice; and therefore his Majesty commanded him to renew the Writ of *Habeas Corpus*, lest they would not move for another themselves, by reason the Warden of the Fleet had not returned the first according to his duty.

To this, Sir Thomas Darnel replied, That such words never came into his thoughts: and did humbly pray, they might make no impression upon the Court to the disparagement of his Cause; for he was accused of that he was in no manner guilty of. Upon which Sir Nicolas Hide, Chief Justice, said, That he had made a fair and temperate Answer: And you may perceive (said the Chief Justice) the upright and sincere proceedings which have been in this business: You no sooner moved for a *Habeas Corpus*, but it was granted you; you no sooner desired Counsel, but they were assigned you, though any Counsel might move for you without being assigned, and should have had no blame for it: The King's pleasure is, his Law should take place and be executed, and for that do we sit here; and whether the Commitment be by the King or others, this Court is the place where the King doth sit in person to do right, if injury be done: And we have power to examine it; and if it appear that any man hath wrong done him by his Imprisonment, we have power to deliver and discharge him; if otherwise, he is to be remanded by us to Prison again. And the Attorney-General, after the Chief-Justice had spoken, said, Though this be a Case which concerns the King in an high degree, yet he hath been so gracious and so just, as not to refuse the Examination and Determination thereof according to the Laws of the Kingdom.

Then the Court proceeded to hear the Arguments made in the Prisoners behalf. Mr. Noy argued for Sir Walter Earl, Sergeant Bramston for Sir John Heveningham, Mr. Selden for Sir Edward Hampden, Mr. Caithrop for Sir John Corbet, who were all assigned of Counsel with the Prisoners

by

by the Court of Kings-Bench, upon a Petition delivered by them to that purpose. After they had argued, Mr. Attorney had a day appointed to argue for the King. It is not our intention to take up the Reader's time with the Arguments at large, either by the one side or the other: We shall only hint unto you some Generals, chiefly concerning the form of the Return of the Writ. The first Exception taken by the Council for the imprisoned Gentlemen, was to the form of the Return.

A 1. For that the Return is not positive, but referred to the significati-  
on made by another, ( by the Lords of the Council. )

2. The Keepers of the Prisons have not return'd the Cause of the Com-  
mitment, but the Cause of the Cause; which they held not to be good.

3. That the Return of the Commitment is imperfect, for that it shew-  
eth only the Cause of the detaining in Prison, and not the Cause of the  
first Commitment.

B Lastly, That the Return is contradictory in it self: For that in the  
first part thereof it is certified, that the detaining of those Gentlemen in  
Prison is *per speciale mandatum Domini Regis*; and when the Warrant of  
the Lords of the Council is shewn, it appeareth, that the Commitment is  
by the command of the King, signified by the Lords of the Council.

C The second general Exception was to the matter of the Return; and  
that was touching the imprisonment, *per speciale mandatum Domini Regis*;  
by the Lords of the Council, without any Cause expressed. Wherefore,  
said Mr. Selden, by the constant and settled Laws of this Kingdom (with-  
out which, we have nothing) no man can be justly imprisoned, either by  
the King or Council, without a Cause of the Commitment; and that  
ought to be expressed in the Return. The Law saith expressly, No Free-  
man shall be imprisoned without due Process of the Law: *Nulus liber  
homo capiatur vel imprisonetur nisi per legem terræ, &c.* And in the Charter  
of King John there are these words, *Nec eum in carcerem mittimus, We  
will not commit him to Prison*; that is, *The King himself will not*.

D This right (saith Sergeant Bramston) is the only means that a Subject  
hath, whereby to obtain his liberty; and the end of it is, to return the  
Cause of the Imprisonment, that it may be examined in this Court, whe-  
ther the Parties ought to be discharged or not: Which cannot be done  
upon this Return; for the Cause of the Imprisonment is so far from ap-  
pearing particularly by it, that there is no Cause at all expressed: And  
the Writ requires, that the Cause of the Imprisonment should be returned,  
and the Cause ought to be expressed so far, as that it ought to be none of  
those Causes, for which, by the Laws of the Kingdom, the Subject ought  
not to be imprisoned; and it ought to be expressed, that it was by Pre-  
sentment or Indictment, or upon Petition or Suggestion made unto the  
King. For (said he) observe but the consequence: If those Gentlemen who  
are committed, without any Cause shewn, should not be bailed, but re-  
manded, the Subjects of the Kingdom may be restrained of their Liberty  
for ever, and by Law there can be no remedy. We shall not reflect upon  
the present time and Government; but we are to look what may betide  
us in time to come hereafter. The Laws are called the great Inheritance  
of every Subject, and the Inheritance of Inheritances, without which, we  
have nothing that deserves the name of Inheritance.

E If upon a *Habeas Corpus* a Cause of Commitment be certified, then (said  
Mr. Noy) the Cause is to be tried before your Lordships; but if no  
Cause be shewn, the Court must do that which standeth with Law and  
Justice, and that is, to deliver the Party. The Commons did complain in

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*Edw. 3.* his time, that the great Charter, and other Statutes, were broken; They desired, that for the good of himself and his People, they may be kept and put in execution, and not infringed, by making any Arrest by special command, or otherwise. And the Answer which was given them, was this, That the said Great Charter and other Statutes should be put in execution according to the Petition, without disturbance of Arrests by special command; and the King granteth the Commons desire in the same words, as they were expressed in their Petition. And afterwards complaining again, That notwithstanding this Answer of the King, they were imprisoned by special command, without Indictment, or other legal course of Law. The King's Answer was, upon another Petition unto him, That he was therewith well pleased; and for the future he added further, *If any man be grieved, let him complain, and right shall be done.* And forasmuch as it doth not appear to the Court, that there was any cause of the Commitment of these Members, no Charge against them, no Indictment or Process according to the Laws: Wherefore Mr. Noy prayed they might be no longer detained in Prison, but be bailed or discharged.

Admit the Commitment of the Command of the King was lawful, yet; said Mr. Calthorp, when a man hath continued in Prison a reasonable time, he ought to be brought to answer, and not to continue still in Prison, without being brought to answer; for that it appeareth by the Books of our Laws, that Liberty is a thing so favoured of the Law, that the Law will not suffer the continuance of a man in prison for any longer time, than of necessity it must: And therefore the Law will neither suffer the Party, Sheriffs, or Judges, to continue a man in Prison by their power and pleasure. It doth speak of the delivery of a man out of Prison, with as reasonable expedition as may be: And upon this reason it hath been resolved, that howsoever the Law alloweth, that there may be a Term between the *Teste* of an Original Writ, and the Return of the same, where there is only a Summons, and no imprisonment of the Body; yet the Law will not allow, that there should be a Term between the *Teste* of a Writ of *Capias*, and the Return of the same, where the body of a man is to be imprison'd; insomuch that it will give no way, that the Party shall have power to continue the body of a man longer time in prison than needs must; so tender is the Law of the Subjects Liberty.

Monday the 27th of November, the Attorney-General argued for the King, That this was a very great Cause, and hath raised great expectation; and he was afraid, that those Gentlemen whom it concerns, have rather advised their Counsels, than their Counsels them. For the first Exception, That the Return is not positive, but hath relation to some others; he did conceive it was positive enough: For (said he) the words are, *Quod detentus est sub custodia mea per speciale mandatum Domini Regis*: The other words [*mibi significatum*] they follow after, but are not part of the affirmation made before it. And if they will have it as they seem to understand it, then they must return the words thus; *Quod significatum est mibi per Dominos Privati Consilii, quod detentus est per speciale mandatum Domini Regis*; and then it had not been their own proper Return, but the signification of another, the Lords of the Council. The turning of the sentence would resolve this point; the thing it self must speak for it self: It is clear, it is a positive Return, that the detaining is by the command of the King; and the rest of the Return is rather satisfaction to the Court, than any part of the Return. And for the other Exception, That the Cause of the Cause is returned, and not the Cause it self; he said, Among the Logi-

A Logicians there are two causes; there is *Causa causans*, and *Causa causata*. The *Causa causans* here in this case, is not the Warrant from the Lords of the Council, for that is *Causa causata*: But the primary and original Cause, which is *Causa causans*, is, *speciale mandatum Domini Regis*; the other is but the Councils Signification, or Testification, or Warrant, for him that made the Return. And for the other Exception, the Cause is imperfect, because it shews only the cause of detaining in Prison, and not the Cause of the first Commitment: He conceives it is sufficient for an Officer of the Law to answer, That the Writ is a Command to make a Return of the detaining of the Prisoner, and he accordingly makes a Return of the Detention; and if the Keeper of the Prison had only said, they were detained, *per speciale mandatum*, &c. it had been good.

B Then he proceeded to the matter of the Return, and to answer the Book-Cases and Records that had been cited by the Council for the Prisoners, and to produce Presidents on the Kings behalf; which are extant in Print, to which the Reader is referred.

Afterwards Sir Nicholas Hide, Chief Justice, Justice Dodderidge, Justice Jones, and Justice Whitlock being upon the Bench, and Sir John Hereningham and the forementioned Prisoners being brought to the Bar, Sir Nicholas Hide Lord Chief Justice, by the consent and direction of the Judges, spake to this purpose:

C That the Court hath seriously considered what hath been spoken by either side, and are grown to a resolution: And that his Brothers have enjoyned him to deliver unto you the resolution of the whole Court: And therefore (said he) though it be delivered by my mouth, it is the resolution of us all. I am sure you expect Justice from hence, and God forbid we should sit here, but to do Justice to all men according to our best skill and knowledge, as it is our Oaths and Duties so to do. But this is a Case of very great weight, and great expectation, and requires more solemn Arguments than the time will now permit. The Exceptions which have been taken to this Return, are two; the one for the form, the other for the substance. First, for the form, because it is not returned, as they say, positively and absolutely, but with reference to a Warrant of the Lords of the Council: Now the Court is of opinion, That this is a positive and absolute Return, upon this Reason, That the Keeper of the Prison first returns, That they are detained by the special command of the King; and if they had ceased there, it had been positive: And for that which follows, That it was signified to him by the Lords of the Council, this is only to certifie the Court, that he returned the Cause truly, and not to shew us that he had no knowledge of the Cause, but by the signification of the Lords of the Council: There is not one word in the Writ that demands the cause why they were taken, but why they are detained. So that that point in the Writ is sufficiently answered, which was only to certifie the cause of the detention. And therefore we resolve, That the form of this Return is good.

F The next thing is the main point in Law, Whether the substance or matter of the Return be good, or no? Wherein the substance is this; He doth certifie, that they are detained in Prison by the special command of the King: And whether this be good in Law, or on, is the Question. Here the Lord Chief Justice did mention the several Presidents and Book-Cases cited by each side, too long to be here related.

O o o

And

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And concluded, That that which is now to be judged by us, is this, Whether one that is committed by the Kings authority, and no cause shewn of his Commitment, according as here it is upon this Return, whether we ought to deliver him by Bail, or to remand him back again? Where by the way you must know, that we can take notice only of *this Return*; That when the Case appears to us no otherwise than by the Return, we are not bound to examine the truth thereof, but the sufficiency of the Return: We cannot judge upon rumors or reports, but upon that which is before us on Record, which is examinable by us, whether it be sufficient or not.

Mr. Attorney had told you, That the King hath done it; and we trust him in great matters, And we make no doubt but the King, if you seek to him, knowing the cause why you are imprisoned, will have mercy; but we leave that, we must not counsel you: if in justice we ought to deliver you, we would do it; but upon these grounds, Records, Presidents, and Resolutions, cited and produced, the Court is of opinion, they cannot deliver you, but you must be remanded.

Various re-  
ports concern-  
ing the Army  
at Rhee.

Whilst these Arguments about the Loan were in agitation (which began in October in Michaelmas-Term) various Reports and Advertisements came from the Isle of Rhee: sometime, that they were in a Treaty with the Duke to surrender the Citadel unto him; others wrote, That it was but a device of the Governour to get time till Relief came: And many were dissatisfied with the Presents and Complements which passed between the Duke, and the Governour of the Citadel; Civilities to an enraged Enemy (as was said) seldom producing good effect. Besides, it was observed, the Governour, by his frequent sending out of Messengers (though in a military way with Drums and Trumpets) gave the Enemy advantage of seeing the Works and Army. But the vulgar fort at home spake more plainly of the miscarriages at Rhee, how all things went there — *The clean contrary way.*

D  
It hath been observed, when things come to be *Vox populi*, it is commonly an ill presage: But at this time, persons of better quality and judgment gave out odd speeches concerning Affairs at Rhee, *That the business could not go well at the Isle of Rhee; That there must be a Parliament; That some must be sacrificed; That Bishop Laud was as like as any.*

E  
The Bishop hearing of these speeches, and that they were doubled, being spoken by several persons, he acquainted the King therewith; who replied unto him, *Let me desire you not to trouble your self with any reports, till you see me forsake my other Friends, &c.* And the Parliament which afterwards followed (said Bishop Laud) sought his ruine, which by the Kings sudden dissolution thereof was prevented, and the Kings other Friends, by that means, not forsaken.

A further Sup-  
ply prepared  
for Rhee, and  
to be convey'd  
thither by the  
Earl of Holland.

F  
Notwithstanding these Reports, the King is resolved speedily to set to Sea divers Ships, with a further supply of Soldiers, to be sent to the Army in the Isle of Rhee; and commands to press certain Companies of Soldiers and Marriners, who were to rendezvous at Plymouth, and from thence to be imbarqued and disposed as aforesaid. In order to which service, the King by Commission, appointed the said Soldiers and Marriners to be at present under the command of *Charles L. Vicount Wilmot*. But afterwards his Majesty, by Commission, did constitute and appoint the Earl of Holland to repair to Plymouth, and there to take into his charge, and under his command, the oversight, rule, order and government

3. Caroli.

vernent of all the said Soldiers and Mariners both at Sea and Land, and to see them, and all Provisions and Necessaries to be shipped, and with all conveniency to be transported and conducted to the Isle of Rhee; and a Squadron of Ships was also appointed for their transportation, and he was to deliver them under the command of the Duke of Buckingham, Admiral of England, and General of the Army.

A But before the Earl of Holland set sail, let us see what they are doing at the Isle of Rhee.

The first news we meet with there, is, That the French ( notwithstanding our Army at Land, and a hundred Sail of Ships at Sea) had got into the Harbour with relief of Provisions: And that Sir John Burroughs, the 20 of September, going to take a view of the Works, was shot with a Bullet, whereof he presently died: His death was much lamented, having been a great Honour to the English Nation, both at home and abroad.

B About this time landeth Sir Piercy Crosby, and some other Commanders, with about Sixteen hundred English and Irish, which came as an Assistance to the Forces before Rhee. And now Troas the Governour began to foresee want, notwithstanding his late Supply, and to study all ways and means how to give advertisement to the King of France, of the low condition he was reduced unto. Sandgrine a Frenchman, adventured out of the Citadel, and privately escaped the Guards, and got with intelligence to the King of France: Yet Troas fearing lest he might

C miscarry, prevailed with three of his men, promising large rewards, to adventure their lives, and to swim to the shore of the main Continent: Two miscarried, but the third got safe, and delivered the Message which the Governour entrusted him with. In the mean time more small Vessels got into the Harbour under the Citadel, and was a further ( though small ) Supply unto them.

D But the King of France was extremely allarm'd by the advertisement from Troas, and thereupon blocks up Rochel with his Army, as if he had designed the taking it; but the main end in seeming to design the Army against Rochel, was thereby to take the opportunity to be near at hand to land Forces under the favour of the little Fort, so much neglected at first, and to put Victuals into the Citadel at S. Martin's, which was at that time reduced to a low condition: And the same was effected time after time, and supplies of men and Victuals got in, notwithstanding the English Guards at Land and Sea, which now and then took some of the Vessels; but nevertheless so much provision got in, as served their occasion in the Citadel to the end of the Siege.

E Now the Rochellers, after they had in vain continued promises of obedience to the King of France, and entertained a division among the Protestants, one Party crossing another, and finding the evil consequence of the division, they put forth a Manifesto, and declared for England; and the Duke of Rhoan having given Commissions to raise Forces to assist the English, declareth in preservation of the Edict of two Peaces, and protesteth not to demand any thing but the observation of the said Edicts. On the other part, the King of France declareth and promiseth, That he will on his part observe the said Edict: And further declares the Duke of Rhoan to be drawn to death; and declares Sobiez a Traitor, and that he that should kill him should be accounted Noble.

The Citadel  
at Rhee relieved.

Sir John Burroughs slain.

Troas sends intelligence to the King of France.

The Rochellers  
at last declare  
for England.

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*A Treaty for  
surrender be-  
tween the  
Duke and  
Trous.*

By this time the *French* had got a great supply of Shipping from the *Spaniard* for their assistance, which, with their own, made up above an hundred Sail, (exceeding the *English* Navy in number) yet did avoid engaging with the *English* Fleet, exercising all their skill and art how to get in a good and round supply of Provision into the Citadel; and *Trous* the Governor employed his wit to gain him to that end, by entertaining a Treaty of surrender upon honourable terms; and prevails with the Duke that he may first send to the King of *France*, that he might come off with honour. The Duke consents thereunto, on condition, that an *English* Gentleman, an Attendant upon the Duke, might go with that party which *Trous* sent, and have a safe conduct through *France* to pass into *England*. And so they both go to the Court of *France*, where the *English* Gentleman was secured; but the party whom *Trous* sent hid his errand, and, no doubt, gave the King of *France* a perfect account of their condition in the Citadel; whilst the *English* Gentleman was detained, that he could not do the like service for the King of *England*, in delivering to him what he had in command from the Duke. The *French* Gentleman returns to the Leaguer at S. *Martin's*; but by reason the *English* Gentleman was not permitted to go for *England*, the *Frenchman* was not permitted to go again into the Citadel.

*The Citadel  
relieved again.*

*Trous* again renews the Treaty, pretending, that if had not Relief such a day, by such an hour, he would surrender: and spun out the time so long, that in good earnest Relief got in, both of Men, Victuals, and Ammunition; and the same Vessels which brought the Relief, carried away the sick and wounded, and unserviceable men in the Citadel. So the Treaty proceeded no further; and the Enemy holds upon their Pike heads, Mutton, Capons, Turkies, &c. to let the *English* see they had no want. Now we go to work with Mine and Battery; and presently also comes news, that the *French* had landed more Forces near the *Meadow-Castle*, (a place also at the first neglected, though then unmanned.) And Orders are given to draw out men (leaving the Trenches unguarded) to encounter the *French* that were landed: Which was performed with some resonable success; but the Enemy got security under the Castle, and thereupon the *English* retreated, and were enforced to fight to recover their Trenches, which the Enemy had now possessed, and many mens lives were lost in the regaining thereof.

*A Retreat re-  
solved on.*

*Sobiez against  
it.*

*The Citadel  
stormed.*

This last refreshment of the Enemy (being about the middle of October) caused the Duke to enter into Council, and to think of a resolution for a Retreat; which he communicated to *Sobiez*, and tells him further, That the season is past, his Army diminished, his Victuals consumed, and his Council of War had judged it fitting to retire. *Sobiez* answered the Duke, That the Earl of *Holland's* Fleet was coming with Supplies; that the Relief given was not considerable; that the Retreat would draw after it the loss of *Rochel*, and thereby make *Sobiez* guilty of the ruine thereof; but above all, it would bring an irreparable prejudice and dishonour upon his Master of *Great Britain*, that had made an Enterprise of so little honour and profit. Upon this the Duke continues the Seige, and shortly after resolves to storm the Citadel and Works; to which (it was said) the *English* Commanders were much averse, but the *French* Commanders were zealous for it: And so, for a farewell, Novemb. 6. a vain Attempt was made on all sides of the Citadel. In short, we lost men and honour; for the Fort was unaccessible, besides well manned with fresh supplies of men newly put in: and having left many dead and hurt, we were forced

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3 Carels.

The Army retreats.

forced to retire. This ill success, with the advice given, that the Troops of the other Forts did increase, (the *French*, notwithstanding our shipping, pouring their Forces amain into the Island) hastened the Duke to raise the Seige and to retreat, to ship his men again for *England*.

*Novemb.* 8. early in the morning, the Drums beat, and the Army prepares for a march; but scarce had the Rearguard come out, but the Troops of the Enemy appeared, equal in number for Foot, and far stronger in Horse, which the Enemy had (during the Siege) landed in the Island,

A under the favour of the little Fort, and the Meadow-Castle, (the two places so strangely omitted at the first to be possessed by the *English*) yet notwithstanding their strength, and the advantage of falling upon an Army on a retreat, which had endured much hardship, and received many discouragements, would not the Enemy engage in plain field, when the Duke several times drew up the Army in their march, and made a stand, in hopes of a Battel. But the wary *French* Commander shunned the hazard of Fight on equal terms, foreseeing a great advantage with less hazard:

B For, no sooner were the *English* entred into the narrow Causey and Lane, having on each hand deep ditches and Salt-pits, but the Enemy observed the advantage, and that the *English* had neglected to raise a Fort at the entry of the Causey to secure their retreat, and (yet worse) that they had not raised a Fort at the further end thereof, near the bridge, to secure the passage over it, but had only raised a small Work, not tenable, on the further side of the Bridge; whereupon the Enemy advanced

C with great fury on a weak Rearguard of Horse, and quickly put them to a retreat; who, in the narrow Causey, disordered the Foot, and the Enemy thereby took the advantage, followed close, and did much execution upon the *English*: Those who escaped the sword, were drowned in the Salt-pits and Ditches; and the crowd was so great on the Bridge, (the Enemy pursuing them over) that many *English* were drowned in the River. Yet in this discomfited condition the *English* took courage, faced about, rallied their Forces, made up a smart body that drew up to fight the enemy; but the *French* (not daring to engage but upon great advantage) were enforced to retreat over the Bridge. The *English* lost several hundreds of men, and many Colours, and great was their dishonour: The loss of the men was not so great, as that they were left upon so unequal terms, where the proof and valour of an *Englishman* could not put forth it self.

D *November 9.* The Army was shipped, and the Duke promiseth the *Rochellers* to come again to their relief; and presently after set sail for *England*, meeting with the Earl of *Holland* as he was setting out of *Plymouth*, coming with a Supply.

E And now every man passeth his censure upon this Expedition: Some laying the fault upon the Duke, (1) for being too slow in his march, after the first landing, wherby the Enemy got in provision, and heartned his men. (2) In being too remiss during the Siege, in not preventing provisions for going into the Citadel, by doubling Guards at Land and Sea, when the wind stood fair. (3) In omitting to take in the little Fort, from whence (as was said) proceeded all the misery that afterwards followed. (4) In retreating before all things were certainly prepared in order to a secure march in narrow places and passages. The Duke pleaded for himself, That he acted for the most part by the advice of a Council of War: and if Orders were given, and not observed, it was not his fault: That had the Earl of *Holland* come with a Supply of Shipping, Men, and Victuals, so soon as he might and ought to have done, he had then without doubt, so nar-

The Enemy engageth the Rear of the Army.

Several opinions concerning this Expedition to Rhee.

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rowly blocked up the Harbour to the Citadel by Sea, that no Provision should have got into it. The Earl of Holland answered for himself, That when he was ready to have gone aboard the Fleet at *Plimouth*, the Ships with Provision were not come out of *Chittam*; and when the Provisions were shipt, time was spent before he could get them to a Rendezvouz; and when they were come to a Rendezvouz, and he ready to set sail with the whole Fleet, the Winds proved contrary. But some of the chief Commanders, when they came into *England*, spake somewhat loudly of other miscarriages at *Rhee*, pleading much on the behalf of the Council of War.

The misfortune of *Rhee*-Expedition causeth a clamour in the Nation.

A  
And now when the unfortunate action of *Rhee* was known and published throughout the Nation, the cry of the People was so great, and the Kings necessities so pressing, that it was in every mans mouth, a Parliament must needs be summoned: for we have now provoked two potent neighbour Kings, and near Enemies; our Coast and Ports were unguarded, our able Commanders worn away, or not employed: the Mariners come in multitudes to the Court at *Whitehd.*, in great disorder and confusion crying out for Pay, and much ado there was to appease them: The Enemies come into our Harbour, survey our Rivers, and the Fishermen can scarce look out: A vast number of our Ships have been lost and taken in the three years past, and the Merchants cease to build more, because they were prest for the Kings service at a low rate, and not paid; and the Mariners flee from their own employment, fearing to be prest again; and our Enemies grow upon us, especially in the Eastern Countreys.

B  
C  
We give you here a brief account of such Arrearages, as were behind and unpaid for Freight of Ships, Sea-mens wages, and Materials for Shipping, in the years, 1625, 1626 and 1627.

D  
A list of Ar-rearages for freight of Ships and Seamen's wages.

**F**or freight of Merchants and *Newcastle*-ships employ'd in his Majesty's service, and for several Bills of provisions yet unpaid, in the years 1625, and 1626, according to the former Estimates, and Privy-seals passed for the same. *l. s. d.* 60000-00-00

For the freight of sundry Merchants and *Newcastel*-ships, employed in his Majesty's service to the Isle of *Rhee*, and other places, in the year 1627, 19560-12-04

For Sea-mens wages in the same year 1627, ending the last of this month, 61957-19-08

E  
The repairing of the Hulls and Masts of the said Ships, to make them fit only for employment in the Narrow Seas, together with repair, and for setting forth of the *Nostredame* and *Sea-waller*, two Prise-ships 05761-10-04

F  
For repairing the said Ships mentioned in the margin, for their Hulls, Masts, &c. at 1000 marks apiece, 08000-00-00

For supply of 700 Tuns of Cordage, taken out of his Majesty's Stores, for furnishing to Sea of several Fleets, at 26*l.* 13*s.* 4*d.* per Tun, being demanded upon several Estimates, to be made good at the end of each service, and yet unpaid, 18666-13-04

Besides these Arrears, there were Demands made by the Navy for supplying the Stores with Mast, Timber, Plank, Deal, Sails, Ropes, Tar, Tallow, Iron, Anchors, &c. the sum of 26000-00-00

Anne Royel.  
Repulf.  
Assurance.  
Nonsuch.  
Waspite.  
Adventure.  
Triumph.  
Victory.  
S. George.  
S. Andrew.  
Rainbow.  
Vanguard.  
Red Lion.  
S. Esperite.  
Garland.  
Convettine.  
Antelope.  
Entrance.

A

The *Rochellers*, after the Duke's arrival in *England*, sent their Deputies to his Majesty for succour and relief in their distressed condition and presented their desires in nature of a Remonstrance to the King and the Lords of the Council; wherein they gave his Majesty most humble thanks for the great assistance and comfort they had received by the Fleet sent in *July* last, whereof the Duke of *Buckingham* was Admiral, which would have been of greater assistance unto them, had the season of the year permitted their stay longer there, or that the supply of Victuals and Ammunition had come unto them which his Majesty had assigned. That they are given to understand, that there is application made to the King of *Denmark*, to propound the making of a Peace between the two Crowns of *England* and *France*, a thing to be wished (if really intended:) But the Proceedings of *France* with the Reformed Churches there, have hitherto been such, as when they spake most fair, and nothing but Peace uttered, nothing less was intended, and great advantages thereby have been taken against the Reformed Churches. But in case the Treaty do proceed, they humbly prayed, that then his Majesty will be pleased to insist upon the Capitulation which was made upon his mediation, and for which he pass'd his word, that the Reformed Churches should perform on their part, which they kept inviolable, till there were Forces placed and kept in Forts against them, contrary to Capitulation, and more Forces drawn down, in order to the reduction of the Remonstrants, and a Fleet unexpectedly come upon them, to destroy their Navigation, when nothing on their part was offered in violation of the Treaty.

D

C They did further remonstrate, That now the Forces of *France* are breaking down apace about them, totally to block them up by Land, and do intend to make a Barricado cross the *Chanel*, leaving a narrow passage for the flux and reflux of the Sea, and by that means to stop all manner of Provisions by Sea; which evidently remonstrates their further ruine, if they, with all expedition, have not succour and help from his Majesty of *Great Britain*: For their necessities and straits are very great already, by reason their Magazines are consumed, their Moneys spent, and the Inhabitants reduced to small allowances. And therefore do beseech his Majesty, with all possible diligence to send them supply of all sorts of Provisions fit for a Seige, and to succour them once more with the Navy-Royal to interrupt the blocking up of the River; otherwise they are inevitably lost. And lastly, they did humbly beseech his Majesty, and the Lords of his Council, to have also so far pity of their indigency and need, as to permit a general Collection to be made in *England* and *Scotland*, of such persons, whom God shall move to contribute to their succour and relief. And declare, that they are resolved still to hold out, hoping yet a Relief would come that might be of advantage unto them; and they were assured thereof by the Duke of *Buckingham* at his departure, that he would once more come in person to their assistance.

F

In this state of affairs, it is said, Sir *Robert Cotton* being thereunto called, presented his advice to certain Lords of the Council in manner following.

A S soon as the House of *Austria* had incorporated it self with *Spain*, and by their new discoveries gotten to themselves the Wealth of the *Indies*, they began to affect, and have ever since pursued a Fifth Monarchy, The Emperor *Charles* would lay the first Foundation of *Italy*, by

Sir *Robert Cotton's* advice touching the present state of affairs.

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by surprising *Rome*: From this he was thrust by force, and respect of Religion, *Hen. 8.* being made *Caput Fœderis* against him. He then attempted *High-Germany*, practising by faction and force to reduce them first to Petty-States, and so to his absolute power. In this, *Hen. 8.* again prevented him, by laying the *Lutheran* Princes under his Confederacy and Assistance. His Son, the Second *Philip*, pursued the same Ambition in the *Netherlands of Germany*, by reduction whereof, he intended to make his way further into the others. This late Queen of *England* interrupted, by siding with the afflicted People on the one part, and making herself the Head of the Protestant League with the Princes, on the other part, drawing in secret of State the Countenance of *France*, to give the more reputation of assistance to them, and security to it self.

*Spain* seeing his hopes thus fruitless by these unions, and streights began first to break, if he might, the Amity of *France* and *England*: But finding the common danger to be a fast tie, he raiseth up a party in that Kingdom of his own; by which the French King was so distressed, that had not the English Council assisted and relieved him, *Spain* had there removed that next and greatest Obstacle of his Ambition.

His Council now tells him from these Examples, That the way to his great work is impossible, so long as *England* lay a let in his way; and adviseth him, that the remove of that Obstacle be the first of his intents. This drew on those often secret practises against the person of the Queen, and his open fury in *Eighty Eight* against the Body of the State: Which she perceiving, following the advise of a free Council, would never after admit of a Peace; winning thereby the hearts of a loving People, who ever found hands and money for all occasions at home, and keeping sacredly all her Alliances abroad, securing to her Confederates, all her time, freedom from fear of Spanish slavery, and so ended her old and happy days in glory.

*Spain* then, by the wisdom and power of that great Lady dispoiled so of his means to hurt, though not of his desires, makes up with her peaceful Successor, of happy memory, that *Golden League*; that disarming us at home by the opinion of Security, and giving them a power in our Councils, by believing their Friendships and pretended Marriage, gave them way to cherish amongst us a Party of their own, and benefit of power abroad to lead in Jealousie and some division between us and our Confederates: By which, we see, they have swallowed up the Fortune of your Majesty's Brothers Estate, with the rest of the Imperial States; distressed the King of *Denmark* by that quarrel; diverted *Sweden*'s assistance by the Wars with the *Pole*, and moving them now with offer of the Danish Crown; and now (whether from the Plot of our Fatality) hath cast such a bone between *France* and us, as hath made themselves, by our quarrel of Religion, a fast Confederate, and us a dangerous Enemy. So as now we are left no other assurance against their malice and ambition, but the *Netherlands*, where the tie of mutual safety is weakned, by daily discontents bred and fed between us, by some ill affected to both our securities, that from the doubtfulness of Friendship, as we now stand, we may rather suspect from our own domestick Faction, if they grow too furious, they will rather follow the example of *Rome* in her growing (that held, that equal safety honourable and more easie, *dare Regnum, than subjugare Provinciam*) considering the power they have in their hands, than to give any friendly assistance to save the present condition of a State. You may therefore see in what terms we stand abroad, and I fear we are

at

at home for resistance in no better state. There must be to withstand a Forein Invasion, a proportion both of sea and Land-Forces: For to give an Enemy an easie paillage, and a Port to relieve him in, is no less than to hazard all at one stake.

A And it is to be considered, That no March by Land can be of that speed to make head against the landing of an Enemy. Then that follows, That there is no such prevention, as to be master of the Sea. To this point of Necessary Defence, there can be no less then Two hundred and forty thousand pounds.

B For the Land-forces, if it were for an Offensive War, the men of less livelyhood were the best spared; and we used formerly to make such War *Purgamenta repub.* If we made no further purchase by it. But for the safety of a Commonwealth, the wisdom of all times did never intrust the Publick Cause to any other than to such as had a portion in the Publick Adventure. And that we saw in *Eighty Eight*, when the care of the Queen, and of the Council did make the body of that large Army no other then of the Trained Bands, which with the Auxiliaries of the whole Realm, amounted to no less than Twenty four thousand men. Neither were any of these drawn from forth their Country and proper habitations, before the end of *May*, that they might be no long grievance to the Publick; such discontentments being to us a more fatal Enemy, then any Forein forces.

C The careful distributing and directing of their Sea and Land-forces, being more fitting for a Council of War, than a private man to advise of, I pass over; yet shall ever be willing and ready, when I shall be called, humbly to offer up such Observations, as I have gathered by the former like occasion in this Realm.

D To make up this Preparation, there are requisite two things, Money, and Affections; for they cannot be properly severed. It was well and wisely said of that great and grave Councillor the Lord Burleigh in the like case, to the late Queen; *Win hearts, and you have their hands and purses.* And I find that of late, Diffidence hath been in the one, and hath unhappily prevented the other.

E In gathering then of Money for this present need, there are three things requisite, *Speed, Assurance, and Satisfaction;* And the way to gather (as, in other like cases hath been done) must be by the path-way formerly called *Via regia*, being more secure and speedy: For by unknown and untrodden ways, it is both rough and tedious, and never succeedeth well. This last way, although it took place as it were by a supply at first, and received no general denial, yet since, it hath drawn many to consult with themselves and others in the consequence, as it is now conceived a pressure on their Liberties, and against Law. I much fear, if that now again it be offered, either in the same face, or by Privy-seal it will be refused wholly. Neither find I that the restraint of the Recusants hath produced any other effect, than a stiff resolution in themselves and others to forbear. Besides although it were at the first with some assurance, yet when we consider the Commissions and other forms incident to such like services, as that how long it hangs in hand, and the many delays that are, we may easily see that such a sum granted by the Parliament is far sooner and easier levied.

F If any will make the succession of times to produce an inevitable necessity to enforce it if denied, whether in general by Excise or Imposition, or in particular on some select persons, which is the custom of

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some Countries, and so conclude it, as there, for the Publick State, ~~supra~~  
prema lege; He must look for this to be told him. That seeing Necessity  
must conclude always to gather Money, 'tis less speedy or assured than  
that by a Parliament: The success attendeth the honor of the heedless  
Multitude, that are full of jealousy and distrust, and so unlike to comply  
to any unusual Course of Levy, but by force; which if used, the effect  
is fearful, and hath been fatal to the State. Whereas that by Parliament  
resteth principally on the Regal person, who may with ease and safety  
mould them to his fit designs by a gracious yielding to their just desires  
and Petitions.

A

If a Parliament then be the most speedy assurance and safe way, it is  
fit to conceive what is the fairest way to act and work that to the pre-  
sent need.

First for the time of usual Summons, Forty days, reputed to be too  
large for this present Necessity, it may be by dating the Writs lessened,  
since it is no positive Law; so that a care be had that there may be a Coun-  
ty-day after the Sheriff hath received the Writ, before the time of sitting.  
If then the Sum to be levied be once granted and agreed of for the time,  
there may be in the body of the Grant an Assignment made to the  
Knights of every County respectively, who under such assurance may  
safely give Security proportionable to the Receipts, to such as shall ad-  
venture in present for the Publick Service any Sums of money.

B

The last and weightiest Consideration, if a Parliament be thought fit,  
is, How to remove or comply the Differences between the King and Sub-  
jects in their mutual demands. And what I have learned amongst the  
better sort of the Multitude, I will freely declare, that your Lordships  
may be the more enabled to remove, and answer those Distrusts, that ei-  
ther concern Religion, publick safety of the King and State, or the just  
Liberty of the Commonwealth.

C

Religion is a matter that they lay nearest to their Consciences, and  
they are led by this ground of jealousy to doubt some practises against it.  
First, for that though the Spanish Match was broken by the careful indu-  
stry of my Lord of Buckingham, out of his religious care (as he then de-  
clared) that the articles there demanded might lead to some such Suffe-  
rance as might endanger the quiet, if not the state of the Reformed Reli-  
gion here; yet there have (when he was an Actor principal in the Con-  
ditions of France) as hard, if not worse to the preservation of our Reli-  
gion, passed, than those with Spain. And the suspect is Strengthned by  
the close keeping of this agreement, and doubt in them of his affection,  
in that his Mother and others, many his Ministers of near employment  
about him are so affected.

D

They talk much of his advancing men Popishly devoted, to places in  
the Camp of nearest service and chief Command; and that the Recu-  
sants have got these late years by his power, more courage and assurance  
than before.

E

If to clear these doubts, (which perhaps are worse in fancy than in  
truth) he takes a course, it might much advance the Publick service  
against the squeamish humors, that have more of violent Passion than of  
settled Judgement, and are not the least of the opposite number in the  
Commonwealth.

F

The next is the late misfortunes and losses of Men, Munition, and  
Honour in the late Undertakings abroad; which the more temperate  
spirits impute to want of Council, and the more sublime Wits to Practice.  
They

A They begin with the *Palatinate*, and lay the fault of the loss thereof on the imputed Credit of *Gondomar*, distrusting him for the staying of supply to Sir *Horatio Vere*, when Colonel *Cecil* was cast on that employment; by which the King of *Spain* became Master of the Kings Childrens Inheritance. And when Count *Musfield* had a Royal Supply of Forces to assist the Princes of our party for the recovery thereof, either Plot or Error defeated the enterprise for us to *Spains* advantage. That Sir *Robert Mansfields* Expedition to *Algiers*, should purchase only the security and guard of the Spanish Coasts.

To spend many Hundred thousand pounds in the *Cadiz-voyage*, against the Advice in Parliament, only to warn the King of *Spain* to be in readiness, and so our selves weakned, is taken for a sign of an ill affection amongst the Multitude.

B The spending of much Munition, Victuals and Money, in my Lord *Willougbiess* Journey, is counted an unthrifte error in the Director of it; To disarm our selves in fruitless Voyages, may seem a plot of danger.

C It was held not long ago a fundamental Rule of our Neighbours, and our Security, by the old Lord *Burleigh*, That nothing can prevent the Spanish Monarchy, but a Fastness of those two Princes, whose Amity gave countenance and courage to the *Netherlands* and German Princes to make head against his Ambition. And we see, by this disunion, a fearful Defeat hath happned to the King of *Denmark* and that party, to the advantage of the Austrian Family.

D And this waste of Publick-Treasure in fruitless Expeditions, will be an important Cause to hinder any new supply in Parliament.

Another Fear that may disturb the smooth and speedy passage of the Kings desire in Parliament, is the vast waste of the Kings livelihood; whereby is like, as in former times, to arise this jealousie and fear, That when he hath not of his own to support his ordinary Charge, for which the Lands of the Crown were settled unalterable, and called *Sacrum patrimonium Principis*, that then he must needs of necessity rest upon those assistances of the people, which ever were only collected and consigned for the commonwealth; from whence it is like there will be no great labour and stiftnes, to induce his Majesty to an Act of Resumption; since such desires of the State have found an easie way in the will of all Princes, from the Third *Henry* unto the last.

E But that which is like to pass the deepest into their Disputes and care, is the late Pressures they supposed to have been done upon the Publick Liberty and Freedom of the Subject, in commanding their Goods without assent by Parliament, imprisoning and confining their Persons without special Cause declared, and that made good against them by the Judges lately, and pretending a Writ to command their attendances in Forein War; All which they are like to enforce as repugnant to any positive Laws, Institutions, and Customary Immunities of this Commonwealth.

F And these dangerous distastes to the People are not a little improved by the unexampled course, as they conceive, of retaining an Inland Army in Winter-season, when former times of general fear, as in *Eightyeight*, produced none such; And makes them in their distracted fears to conjecture idly, it was raised wholly to subiect their Fortunes to the will of Power, rather then of Law; and make good some further breach upon their Liberties and Freedoms at home, rather then defend us from

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any force abroad. How far such Jealousies, if they meet with any unusual disorder of lawless Soldiers, are an apt distemper of the loose and needy Multitude, which will easily turn away upon any occasion in the State that they can side withal, as a glorious pretence of Religion and Publick safety, when their true end will be only rapine and ruin of all, is worthy a prudent and preventing care.

I have thus far delivered, with that freedom you pleased to admit such Difficulties as I have taken up amongst the Multitude, as may arrest if not remove Impediments to any Supply in Parliament. Which how to facilitate, may better become the care of your Judgments, than my Ignorance.

Only I could wish to remove away a personal distaste of my Lord Duke of *Buckingham* amongst the people: He might be pleased, if there be a necessity of a Parliament, to appear first Adviser thereunto, and of the satisfaction it shall please his Majesty of grace to give at such time to his people; which I would wish to be grounded by president of his best and fortunate Progenitors; And which I conceive will satisfie the Desires and hopes of all, if it may appear in some sort to be drawn down from him to the people; by the zealous care and industry that my Lord of *Buckingham* hath of the publick unity and content. By which there is no doubt but he may remain not only secure from any further quarrel with them but merit a happy memory amongst them of a zealous Patriot. For, to expiate the passion of the people, at such times, with sacrifice of any of his Majesties Servants, I have found it ----- as in *Ed. 2. Rich. 2. Hen. 6.* ----- no less fatal to the Masters then to the Ministers in the end.

A resolution  
to call a Par-  
liament.

These and such like Considerations being represented to the King, Jan. 29. A Resolution is taken at the Council-Table, to call a Parliament, to meet the 17 of March following. And now Warrants are sent according to a preceeding Order made in this moneth, to all parts, to release the Imprisoned Gentry and confined Gentlemen, for the busyness of the Loan-money: And as fast as Writs came to the Counties and Boroughs to choose Members for Parliament, those Gentlemen who suffered for the Loan were chiefly in the Peoples eye to be elected to serve for them in the ensuing Parliament, to present their Grievances, and assert their Liberties.

The names of the Gentry, who about the time that Writs issued out for a Parliament, were released out of Restraint and Confinement, appear by the ensuing Order and List.

### At Whitehall.

Present, *The Kings Majesty,*

*Lord Treasurer,*  
*Lord President,*  
*Lord Admiral,*  
*Lord Steward,*  
*Lord Chamberlain,*  
*Earl of Suffolk,*  
*Earl of Dorset,*  
*Earl of Salisbury,*  
*Earl of Morton,*

*Lord Viscount Conway,*  
*Lord Bishop of Durham,*  
*Lord B. Bath and Wells,*  
*Mr. Treasurer,*  
*Mr. Comptroller,*  
*Master of the Wards,*  
*Mr. Secretary Cook,*  
*Mr. Chancellor of the Exchequer,*  
*Mr. Chancellor of the Dutchy.*

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It

I T is this day Ordered by his Majesty being present in Council, That the several persons hereunder written, shall from henceforth be discharged and set at liberty from any Restraint heretofore put upon them by His Majesties Commandment: And hereof all Sheriffs and other Officers are to take notice.

3 Caro.  
Order of the  
Council to set  
at liberty the  
Gentry impris-  
oned for the  
Loan money.

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |                                                                                                                                                                                                                                                                                                                |           |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| A | Sir John Strangewyres<br>Sir Thomas Grantham<br>Sir William Armin<br>Sir William Mifflin<br>Sir William Wilmore<br>Sir Erasmus Draiton<br>Sir Edward Aiscongh<br>Sir Nath. Barnardiston<br>Sir Robert Poyntz<br>Sir Beacham St. John<br>Sir Oliver Luke<br>Sir Maurice Berkely<br>Sir Thomas Wentworth<br>Sir John Wray<br>Sir William Constable<br>Sir John Hotham<br>Sir John Pickering<br>Sir Francis Barrington<br>Sir William Chancery | Knights. | William Anderson<br>Terringham Norwood<br>John Trigonwell<br>Thomas Godfrey<br>Richard Knightley<br>Thomas Nicholas<br>John Hampden<br>George Ratcliffe<br>John Dutton<br>Henry Pool<br>Nathanael Coxwel<br>Robert Hatley<br>Thomas Elmes<br>Thomas Wood<br>John Wilkinson<br>William Allen<br>Thomas Holyhead | Esquires. |
| B |                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |                                                                                                                                                                                                                                                                                                                | Gent.     |
| C |                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |                                                                                                                                                                                                                                                                                                                |           |

All these remain confined to several Counties.

|   |                                                                                                                                      |          |                                                                                                                         |                                     |
|---|--------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| D | Sir Walter Earl<br>Sir Thomas Darnel<br>Sir Harbottle Grimston<br>Edward Hooker<br>George Basset<br>James Wooldrond<br>Henry Sanders | Knights. | Sir John Corbet<br>Sir John Elliot<br>William Coriton<br>George Catesby<br>John Stevens<br>Thomas Deacon<br>John Potter | Knights.<br>Esquires.<br>Londoners. |
|---|--------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

All Prisoners in the Fleet.

In the Gatehouse.

|   |                                                                |            |                                     |  |
|---|----------------------------------------------------------------|------------|-------------------------------------|--|
| E | Sir John Heveringham Knight.<br>Samuel Vassal<br>William Angel | Londoners. | William Savage<br>Nathanael Manesty |  |
|---|----------------------------------------------------------------|------------|-------------------------------------|--|

In the Marshalsey.

In the New-Prison.

|   |                                                                                                                                                                                                |            |                                                                                                                                                      |  |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| F | Robert Lever<br>John Peacock<br>Edward Ridge<br>John Oclabery<br>Andrew Stone<br>William Spurstow<br>Roger Hughes<br>John Pope<br>James Bunch<br>Thomas Garris<br>James Waldron<br>John Bennet | Londoners. | Ambrose Aylot<br>Thomas Sharp<br>Thomas Totham<br>Augustine Braybrook<br>Robert Payne<br>Edward Talston<br>John Whiting<br>Thomas Webb<br>John Ferry |  |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--|

All in the Custody of a Messenger.

Orders

An. 1527.

A Parliament summoned.

A Commission for Impositions.

Thirty thousand pounds paid to Burlemach to be returned by Bill of Exchange, to raise Foreign Forces.

Recusants taken at Clerkenwell.

A Letter from a Jesuite concerning the ensuing Parliament.

Orders issued also from the Council to the Lord Mayor and Aldermen of *London*, to use moderation in the demanding of the Loan-money from those of the City of *London* who deferred payment. And now Archbishop *Abbot*, the Earl of *Bristol*, and the Bishop of *Lincoln*, notwithstanding the cloud they were under, are had in consideration by the King and Council, and Writs are ordered to be sent unto them to sit in the House of Peers the ensuing Parliament.

After the Writs of Summons went forth, the King gave direction for a Commission to raise moneys by Impositions in nature of an Excise, to be levied throughout the Nation, to pass under the Great Seal. And at the same time ordered the Lord Treasurer to pay Thirty thousand pounds to *Philip Burlemach* a Dutch Merchant in *London*, to be by him returned over into the *Low-Countries* by Bill of Exchange unto Sir *William Balfour* and *John Dalbier*, for the raising of a Thousand Horse, with Arms both for Horse and Foot. The supposed intent of which German Horse was, as was then feared, to enforce the Excise which was then setting on foot.

The Council also had then under consideration the Levying of Ship-money upon the Counties, to raise the King a Revenue that way. But now that a Parliament was called, the Council held it unfit and unseasonable to debate these matters any further at that time.

A little before the Parliament assembled, a Society of Recusants was taken in *Clerkenwell*: Divers of them were found to be Jesuites, and the House wherein they were taken, was designed to be a Colledge of that Order.

Among their Papers was found a Copy of this Letter written to their Father Rector at *Bruxels* discovering their Designs upon this State, and their Judgment of the temper thereof, with a Conjecture of the success of the ensuing Parliament.

### Father Rector,

**L**E T not the damp of Astonishment seise upon your ardent and zealous soul in apprehending the sudden and unexpected Calling of a Parliament: We have not opposed, but rather furthered it; So that we hope as much in this Parliament, as ever we feared any in Queen Elizabeth's days.

You must know the Council is engaged to assist the King by way of Prerogative, in case the Parliamentary way should fail. You shall see this Parliament will resemble the Pelican, which takes a pleasure to dig out with her beak her own bowels.

The Election of Knights and Burgesses hath been in such confusion of apparent Faction, as that which we were wont to procure heretofore with much art and industry (when the Spanish Match was in Treaty) now breaks out naturally as a botch or boil, and spits and spues out its own rankor and venom.

You remember how that famous and immortal Statesman the Count of Gondomar fed King James his fancy, and rocked him asleep with the soft sweet sound of Peace, to keep up the Spanish Treaty. Likewise we were much bound to some Statesmen of our own Countrey, for gaining time by procuring those most advantageous Cessations of Arms in the Palatinate, and advancing the Honor and Integrity of the Spanish Nation, and vilifying the Hollanders; remonstrating to King James, That that State was most ungrateful both to his Predecessor Queen Elizabeth, and his Sacred Majesty

Majesty; That the States were more obnoxious than the Turk, and perpetually injured his Majesties loving Subjects in the East-Indies, and likewise they have usurped from his Majesty the Regality and unvaluable profit of the Narrow-  
Seas in fishing upon the English Coast, &c.

A This great States-man had but one principal means to further their great and good designs, which was to set on King James, that none but the Puritan-Faction, which plotted nothing but Anarchy, and his Confusion, were averse to this most happy Union. We steered on the same Course, and have made great use of this Anarchical Election, and have prejudiced and anticipated the Great one, that none but the Kings Enemies, and his, are chosen of this Parliament, &c.

B We have now many strings to our Bow, and have strongly fortified our Faction, and have added two Bulwarks more: For when King James lived (you know) he was very violent against Arminianism and interrupted (with his pestilent Wit and deep Learning) our strong Designs in Holland, and was a great Friend to that old Rebel and Heretick the Prince of Orange.

C Now we have planted that Sovereign Drug Arminianism, which we hope will purge the Protestants from their Heresie; and it flourisbeth and bears fruit in due season.

D The Materials which build up our Bulwark, are the Projectors and Beggers of all ranks and qualities: Howsoever, both these Factions cooperate to destroy the Parliament, and to introduce anew species and form of Government, which is Oligarchy.

E Those serve as direct Mediums and Instruments to our end, which is the universal Catholick Monarchy. Our foundation must be Mutation, and Mutation will cause a Relaxation, which will serve as so many violent diseases, as the Stone, Gout, &c. to the speedy distraction of our perpetual and insufferable anguish of body, which is worse than death it self.

F We proceed now by Counsel and mature deliberation, how and when to work upon the Dukes Jealousie and Revenge; And in this we give the honour to those which merit it, which are the Church-Catholicks.

G There is another matter of Consequence, which we take much into our consideration and tender care, which is to stave off Puritans, that they hang not in the Dukes ears, They are impudent subtil people.

H And it is to be feared lest they should negotiate a Reconciliation between the Duke and the Parliament at Oxford, and Westminster; But now we assure our selves we have so handled the matter, that both Duke and Parliament are irreconcileable.

I For the better prevention of the Puritans, the Arminians have already locked up the Duke's ears; And we have those of our own Religion, which stand continually at the Dukes Chamber, to see who goes in and out: We cannot be too circumspect and careful in this regard.

J I cannot choose but laugh to see how some of our own Coat have accounted themselves; you would scarce know them, if you saw them: And 'tis admirable, how in speech and gesture they act the Puritans. The Cambridge-Scholars to their woful experience shall see we can act the Puritans a little better than they have done the Jesuites: They have abused our sacred Patron Saint Ignatius in jest, but we will make them smart for it in earnest. I hope you will excuse my merry digression; for I confess unto you, I am at this time transported with joy to see how happily all Instruments and means as well great as less, cooperate unto our purposes.

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But to return unto the main Fabrick : Our foundation is Arminianism ; The Arminians and Projectors, as it appears in the premisses, affect mutation. This we second, and enforce by probable Arguments. In the first place we take into consideration the Kings honour, and present necessity ; and we shew how the King may free himself of his Ward, as Lewis the Eleventh did. And for his great splendor and lustre, he may raise a vast Revenue, and not be beholden to his Subjects ; which is by way of Imposition of Excise. Then our Church Catholicks proceed to shew the means how to settle this Excise, which must be by a Mercenary Army of Horse and Foot. For the Horse, we have made that sure ; They shall be Foreigners, and Germans, who will eat up the Kings Revenues, and spoil the Country wheresoever they come, though they should be well paid ; What havock will they make there, when they get no Pay, or are not duly Paid ? They will do more mischief, then we hope the Army will do.

We are provident and careful, that this Mercenary Army of Two thousand Horse, and Twenty thousand Foot, shall be taken on and in pay before the Excise be settled. In forming the Excise, the Country is most likely to rise : If the Mercenary Army subjugate the Country, then the Soldiers and Projectors shall be paid out of the Confiscations ; If the Country be too hard for the soldiers, then they must consequently Mutiny, which is equally advantageous unto us. Our superlative design is, to work the Protestants as well as the Catholicks to welcome in a Conqueror, and that is by this means : We hope instantly to dissolve Trades, and hinder the building of Shipping, in devising probable Designs, and putting on the State upon Expeditions, as that of Cadiz, was in taking away the Merchant Ships, so that they may not easily catch and light upon the West-India Fleet, &c.

The Parliament being assembled the Seventeenth day of March, His Majesty began with this Speech.

### My Lords and Gentlemen,

The King's  
Speech at the  
opening of the  
Parliament.

These Times are for Action : Wherefore for Examples sake, I mean not to spend much time in Words; expecting accordingly that your (as I hope) good Resolutions will be speedy, not spending time unnecessarily, or (that I may Better say) dangerously ; For tedious Consultations at this conjuncture of time are as hurtful as ill Resolutions.

I am sure you now expect from me, both to know the cause of your meeting, and what to resolve on : Yet I think that there is none here but knows that Common danger is the cause of this Parliament, and that Supply at this time is the chief end of it : So that I need but point to you what to do. I will use but few persuasions : For if to maintain your own Advices, and as now the case stands for the following thereof, the true Religion, Laws, and Liberties of this State, and the just Defence of our true Friends and Allies, be not sufficient, then no Eloquence of Men or Angels will prevail.

Only let me remember you, That my duty most of all, and every one of yours according to his degree, is to seek the maintenance of this Church and Commonwealth : And certainly, there never was a time in which this duty was more necessarily required, than now.

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A ' I therefore judging a Parliament to be the antient, speediest, and best way in this time of common danger, to give such supply as to secure our selves, and to save our Friends from imminent ruine, have called you together. Every man now must do according to his Conscience: Wherefore if you (as God forbid) should not do your duties, in contributing what the State at this time needs, I must, in discharge of my Conscience, use those other means, which God hath put into my hands, to save that, which the follies of particular men may otherwise hazard to lose.

B ' Take not this as a Threatning, for I scorn to threaten any but my Equals; but an Admonition from him, that both out of nature and duty, hath most care of your preservations and prosperities: And (though I thus speak) I hope that your demeanors at this time will be such, as shall not only make me approve your former Counsels, but lay on me such obligations, as shall tie me by way of thankfulness to meet often with you: For, be assured, that nothing can be more pleasing unto me, than to keep a good correspondence with you.

C ' I will only add one thing more, and then leave my Lord Keeper to make a short Paraphrase upon the Text I have delivered you, which is *To remember a thing, to the end we may forget it.* You may imagine that I came here with a doubt of success of what I desire, remembiring the distractions of the last Meeting: but I assure you, that I shall very easily and gladly forget and forgive what is past, so that you will at this present time leave the former ways of distractions, and follow the Counsel late given you, *To maintain the unity of the Spirit in the bond of Peace.*

The Lord Keeper secondeed his Majesty on this manner.

D ' Y E are here in Parliament by his Majesty's Writ and Royal Command, to consult and conclude of the weighty and urgent Business of this Kingdom. Weighty it is, and great; as great as the honour, safety, and protection of Religion, King, and Countrey; And what can be greater? Urgent it is; It is little pleasure to tell or think how urgent: And to tell it with circumstances, were a long work: I will but touch the sum of it in few words.

The Lord  
Keeper's  
Speech.

E ' The Pope and House of Austria have long affected, the one a Spiritual, the other a Temporal Monarchy: and to effect their ends, to serve each others turn, the House of Austria, besides the rich and vast Territories of both the Indies, and in Africa, joyned together, are become Masters of Spain and Italy, and the great Country of Germany. And although France be not under their subjection, yet they have environed all about it; the very bowels of the Kingdom swayed by the Popish Faction: They have gotten such a part, and such intercession in the Government, that under pretence of Religion, to root out the Protestants and our Religion, they have drawn the King to their adherence so far, that albeit upon his Majesty's interposition by his Ambassadors, and his engagement of his Royal word, there was between the King and his Subjects Articles of Agreement, and the Subjects were quiet; whereof his Majesty, interess'd in that great Treaty, was bound to see a true accomplishment; yet against that

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' strict Alliance, that Treaty hath been broken, and those of the Religion  
 ' have been put to all extremity, and undoubtedly will be ruined without  
 ' present help. So as that King is not only diverted from assisting  
 ' the common Cause, but hath been mis-led to engage himself in Hostile  
 ' Acts against our King and other Princes, making way thereby for the  
 ' House of *Austria*, to the ruine of his own and other Kingdoms.

' Other Potentates, that in former times did ballance and interrupt  
 ' the growing greatness of the House of *Austria*, are now removed and  
 ' diverted. The *Turk* hath made Peace with the Emperor, and turned  
 ' himself wholly into Wars with *Asia*: The King of *Sweden* is em-  
 ' broiled in a War with *Poland*, which is invented by Spanish practises,  
 ' to keep that King from succouring our part: The King of *Denmark*  
 ' is chaced out of his Kingdom on this, and on that side the *Zound*; so  
 ' as the House of *Austria* is on the point to command all the Sea-  
 ' coasts, from *Dantzic* to *Embden*, and all the Rivers falling into the  
 ' Sea in that great extent: so as besides the power by Land, they  
 ' begin to threaten our Part by Sea, to the subversion of all our  
 ' State.

' In the *Baltick-Sea*, they are providing and arming all the Ships  
 ' they can build, or hire; and have at this time their Ambassadors  
 ' treating at *Lubeck*, to draw into their Service the *Hans-Towns*,  
 ' whereby taking from us and our Neighbours the East-land Trade, by  
 ' which our Shipping is suppli'd, they expect, without any blow given,  
 ' to make themselves Masters of that Sea. In these Western parts,  
 ' by the *Dunkirkers*, and by the now French and Spanish Admiral, to  
 ' the ruine of Fishing (of infinite consequence, both to us, and the  
 ' Low-Countries) they infest all our Coast, so as we pass not safely  
 ' from Port to Port. And that Fleet which lately assisted the French  
 ' at the Isle of *Rhee*, is now preparing at *S. Andrews*, with other  
 ' Ships built in the Coast of *Biscay* to re-inforce it, and a great Fleet is  
 ' making ready in *Lisbon*; where, besides their own, they do serve  
 ' themselves upon all Strangers Bottoms coming to that Coast for Trade:  
 ' And these great Preparations are, no doubt, to assault us in *England*  
 ' or *Ireland*, as they shall find advantage, and a place fit for their  
 ' turn.

' Our Friends of the *Netherlands*, besides the fear that justly troubles  
 ' them, lest the whole force of the Emperor may fall down upon them,  
 ' are distracted by their Voyages into the East, which hath carried both  
 ' Men and Money into another World, and much weakened them at  
 ' home.

' Thus are we even ready on all sides to be swallowed up; the Empe-  
 ' ror, *France*, and *Spain* being in open War against us, *Germany* over-  
 ' run, the King of *Denmark* distressed, the King of *Sweden* diverted, and  
 ' the Low-Country-men disabled to give us assistance.

' I speak not this to increase fear, unworthy of English Courages, but  
 ' to pres to provision worthy the wisdom of a Parliament: And for  
 ' that cause his Majesty hath called you hither, that by a timely provi-  
 ' sion against those great imminent dangers, our selvcs may be strength-  
 ' ned at home, our Friends and Allies encouraged abroad, and those great  
 ' causes of fear scattered and dispelled.

' And because in all Warlike preparations, Treasure bears the name,  
 ' and holds the semblance of the Nerves and Sinews; and if a Sinew  
 ' be too short or too weak, if it be either shrunk or strained, the part  
 ' becomes

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“ becomes unuseful: It is needful that you make a good and timely supply of Treasure, without which, all Counsels will prove fruitless. I might pres many Reasons to this end; but I will but name few.

A “ First, For his Majesty’s sake, who requires it. Great is the duty which we owe him by the Law of God; great by the Law of Nature, and our own Allegiance; great for his own merit, and the memory of his ever blessed Father. I do but point at them: But me thinks our thoughts cannot but recoil on one Consideration touched by his Majesty, which, to me, seems so sound, like a Parliamentary Pact or Covenant.

B “ A War was devised here, Assistance professed, yea, and protested here: I do but touch it, I know you will deeply think on it; and the more, for the example the King hath set you; his Lands, his Plate, his Jewels he hath not spared to supply the War: What the People hath protested, the King, for his part, hath willingly performed.

C “ Secondly, For the Cause sake: It concerns us in Christian charity to tender the distresses of our Friends abroad; it concerns us in honour not to abandon them, who have stood for us. And if this come not close enough, you shall find our Interest so woven and involved with theirs, that the Cause is more ours than theirs If Religion be in peril, we have the most flourishing and Orthodox Church: If Honour be in question, the Stories and Monuments in former Ages will shew, that our Ancestors have left us as much as any Nation: If Trade and Commerce be in danger, we are Islanders, it is our life. All these at once lie at stake, and so doth our safety and being.

D “ Lastly, In respect of the manner of his Majesty’s demand, which is in Parliament, the way that hath ever best pleased the Subjects of England. And good cause for it: For, Aids granted in Parliament work good effects for the People; they be commonly accompanied with wholesome Laws, gracious Pardons, and the like. Besides, just and good Kings finding the love of their People, and the readiness of their Supplies, may the better forbear the use of their Privileges, and moderate the rigor of the Laws towards their Subjects.

E “ This way, as His Majesty hath told you, he hath chosen, not as the only way, but as the fittest; not as destitute of others, but as most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his People. If this be deferred, Necessity, and the Sword of the Enemy make way to the others. Remember His Majesty’s Admonition, I say, remember it.

F “ Let me but add, and observe God’s mercy towards this Land above all others. The Torrent of War hath overwhelmed other Churches and Countries; but God hath hitherto restrained it from us, and still gives us warning of every approaching danger, to save us from surprise. And our gracious Sovereign, in a true sense of it, calls together his High Court of Parliament, the lively Representation of the Wisdom, Wealth, and Power of the whole Kingdom, to joyn together to repel those Hostile Attempts, which distressed our Friends and Allies, and threatned our selves.

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" And therefore it behoves all to apply their thoughts unto Coun-  
sel and Consultations, worthy the Greatness and Wisdom of this As-  
sembly ; to avoid discontents and divisions, which may either distem-  
per or delay; and to attend that *Unum necessarium*, the common Cause;  
propounding for the scope and work of all the Debates, the gene-  
ral Good of the King and Kingdom, whom God hath joyned to-  
gether with an indissoluble knot, which none must attempt to cut  
or unty. And let all, by unity and good accord, endeavour to  
pattern this Parliament by the best that have been, that it may be a  
Pattern to future Parliaments, and may infuse into Parliaments a  
kind of multiplying power and faculty, whereby they may be more  
frequent, and the King our Sovereign may delight to sit on his  
Throne, and from thence to distribute his graces and favours amongst  
his People.

A

" His Majesty hath given you cause to be confident of this you have  
heard from his Royal mouth ; which nevertheless he hath given me  
express command to redouble : If this Parliament, by their dutiful  
and wise proceedings, shall but give this occasion, His Majesty will  
be ready, not only to manifest his gracious acceptance, but to put  
out all memory of those distastes, that have troubled former Par-  
liaments.

B

" I have but one thing more to add, and that is, As your Con-  
sultations be serious, so let them be speedy. The Enemy is be-  
fore-hand with us, and flies on the wings of success. We may  
dally and play with the Hour-glass that is in our power, but the Hou-  
will not stay for us; and an Opportunity once lost, cannot be re-  
gained.

C

" And therefore resolve of your Supplies, that they may be timely,  
and sufficient, serving the Occasion : Your Council, your Aid, all  
is but lost, if your Aid be either too little, or too late : And his  
Majesty is resolved, that his Affairs cannot permit him to expect it  
over-long.

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Sir John Finch being chosen Speaker, made this Address to his Ma-  
jesty, Wednesday the Nineteenth of March.

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### Most Gracious Sovereign,

*Sir John Finch  
being chosen  
Speaker, made  
this Speech to  
his Majesty.*

YOUR obedient and loyal Subjects, the Knights, Citizens, and  
Burgesses, by your Royal Summons here Assembled, in obedience to  
your gracious direction, according to their antient usage and privilege,  
have lately proceeded to the choice of a Speaker ; and whether sequestring  
their better judgments for your more weighty Affairs ; or to make it  
known, that their Honour and Wisdom can take neither increase, or  
diminution, by the value or demerit of any one particular Member, in  
what place soever serving them ; omitting others of worth and ability,  
they have fixed their Eyes of favour and affection upon me.

Their

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3. Caroli.  


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Their long knowledge of my unfitness every way to undergo a charge of this important weight and consequence, gave me some hope they would have admitted my just excuse: Yet for their further and clearer satisfaction, I drew the Curtains, and let in what light I could upon my inmost thoughts, truly and really discovering to them what my self best knew, and what I most humbly beseech your Royal Majesty to take now into your consideration, that of so many hundreds sitting among them, they could have found few or none, whose presentation to your Majesty would have been of less repute or advantage to them: For, Et impeditioris linguae sum, and the poor experience I have of that Royal Assembly is so ill balanced with true Judgment, that every gust and wave hath power on me; whereby I shall not only suffer in my own particular, but (which I apprehend with much more care and sorrow) do prejudice to their common interest.

B

Wherefore, dread and dear Sovereign, as low as the lowest step of your Royal Throne, I humbly bend, appealing to your great and Sovereign Judgment, for my discharge from this so unequal a burthen imposed on me; most humbly and earnestly beseeching your most excellent Majesty, for the Honour of that Great Council, and the better digestion of publick services there, and withal to avert so ill an Omen, as the choice of me in the beginning of a Parliament, ordained (I hope) for the joy of our own, and the envy of other Nations; that by your gracious command, the House may reconslt, and settle their better thoughts on some more worthy their Election, and your Majesty's Approbation.

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But his Majesty not admitting his excuse, approved of the choice, and the Lord Keeper delivered himself in the following Speech.

D

Mr. Speaker,

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HIS Majesty with most Gracious and Princeely attention, hath heard your humble Excuse, he knoweth the weight and importance of your Place, but your ability to discharge it he approves, and commends the Election of the House of Commons, and therin receives the more content, because they followed the light taken from himself, who formerly made choice of you, to serve him in a place of Trust, both about himself and his Royal Consort; the Omen can't be ill, when the People so readily follow him, whom God hath ordained to go in and out before them.

F

And therefore, knowing your Tackling to be strong, and finding your Sail to be moderate, and not overborn, his Majesty doth doubt, neither Gulph nor Wave to endanger your passage; but since you are duly chosen, his Majesty counsels and commands, that unto your Humility you add Resolution and Courage; they stand well together, and being joyned, they will arm all your Abilities, to that great employment of Service to your King and Country, which the Commons, by their Uniform voice, have put upon you; so his Majesty, by his Royal Approbation, doth grant unto you, and settle you Speaker.

The Lord  
Keeper's An-  
swer to the  
Speaker.

Mr.

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Mr. Speaker's  
Speech.

## Mr. Speaker's Speech,

AIT is now too long time to dispute with my Lord the King, but with all joy of heart and alacrity, humbly and thankfully meet so great a favour from the best of Masters, and the best of Men: Therefore first I bow my knee to your most Excellent Majesty, in all humble and hearty acknowledgment of this your great and gracious favour; the truth of mine own heart (full of Zeal and Duty to your Majesty and the Publick as any man's) quits me from all fear of running into wilful Errors, and your Majesty's great goodness, (of which I have been so large a partaker) gives me strong assurance, that having by your gracious Beams drawn me up from Earth and Obscurity, you will so uphold me, by a benign and gracious interpretation of all my Words and Actions, that I fall not down like a rude and imperfect vapour, but consume the rest of my days in the Zeal of your Majesty's Service.

BThis great and glorious Assembly, made perfect by your Royal Presence, like a curious Perspective, the more I behold it, with the more joy and comfort I find a lively representation of that happiness we all enjoy; a better Tongue were fitter to express it, but a rich Stone returns its value, though ill set.

CHere in the fulness and height of your Glory, like the Sun in the Exaltation of his Orb, sits your most Excellent Majesty (the Sovereign Monarch of this Isle) In a Throne made glorious by a long Succession of many great Princes, a Meditation worthy our better thoughts, that we live neither entirall'd to the slavery and rage of the giddy multitude, nor yet to the distracted Wills of many Masters, but under the Command of a King, the stay and strength of the People, one (as Homer said of Kings, Multorum consilium & aliorum) not to be laid in the balance with other mens (for Kings know no Tenure but God's Service) and their value is only tried at his beam; besides, that is a Sovereign Hereditary which maketh the Common-wealth, the King's care, as that which is his own Patrimony and Inheritance of his Children, when Elective Monarchies quickly run to ruine, and are ever made poor by the enriching of several Families.

DOn your right hand are the Reverend, Religious, and Learned Prelates, the Lights of the Church, fit to be set in Golden Candlesticks, and not made contemptible by Parity and Poverty; that blessing, above all the rest, by God's great goodness, and your Majesty's Piety, the Realm enjoys the Liberty of the Gospel, and the free possession of God's true Religion: Your Majesty passed the fiery Trial in Spain, and gave us the assurance, that your Faith is built on the Rock, against which the Gates of Hell shall never prevail.

ESince your coming to the Crown, by your Royal Edict you have banished those Incendiaries of Rome, the Priests and Jesuites, Enemies to our Church and State, so as now they are gone to lurk in corners, like the Sons of darkness; You have given life to the Law against Recusants, and by your exemplary Piety, have drawn more to the Church: Yet, Cogere ingredi ut impleatur domus mea, was his command that made the great Feast, and is the duty of Magistrates.

FAnd certainly, Dread Sovereign, Religion will be ever a Target to them, that are a Buckler to it, strong to hold your Subjects hearts in true obedience; Our Religion never bred a \* Ravilliac, and that execrable Villany, never to be forgot here, when all of us should have turned to ashes, was a Monster that could never be bred, but by the Devil or Jesuites.

On

\* Who killed Henry the Fourth, King of France.

On your left hand sit your Nobles, the Lights of Honour, full of Courage and Magnanimity, yet in right distance between Crown and People, neither over-shadowing the one, nor oppressing the other.

Before your Throne, like the Twelve Lions under Solomon's Krone, sits the Lights of Justice, your Grave Judges, the Sages of Law, Learned and Just.

A Our Laws, as excellent as they are, and surely no Humane Laws excel them, nor could suit so well with the condition of the People; Justice could never keep her right Channel, nor run so clear, as in your Majesty's Reign it now doth.

B I must not forget the other Lights, the Knights, Citizens, and Burgeses of the Third State, who, though they move more slow, and at more distance from your Royal Person, yet, I am confident, will be ever found constant to the Poles of Love and Loyalty: It is a gracious favour of your Majesty, and our former Kings, (which I have thought on) that when both the Houses are humble Suitors for any thing, they are never denied; and I assure my self, your Majesty shall find your Subjects so full of duty to the Crown, and of true and loyal affection to your Royal Person, that you shall never have cause to think your greatest favours ill bestowed upon them. This Union is a greatness beyond that of the Kingdom, to which you are Heir; is of more advantage to the Island, if the Division be not among our selves, which the God of Unity, for his Mercy's sake, forbid, and so knit our hearts in love one to another, and all of us in Duty and Loyalty to your most Excellent Majesty, that this renowned C Island perish not for want of discretion, but may ever flourish and be like the Jerusalem of God, where his name may be ever honoured.

D Great and Gracious have been the Actions of our Royal Predecessors; yet greater remain for your Majesty, and most of those attend you for their perfection.

The first Christian Kings of Europe, that abated the swelling pride of the Pope, by banishing the usurped power over God's Vice-gerent, that first established the true Religion now professed, were all Kings of England, D and the last a young one; Queen Elizabeth was a Woman, yet Spain had good cause to remember her, and the Protestants of France will never forget her.

E Your Royal Father, of Blessed and Famous Memory, had a Reign like Solomon's; for Religion, no man knew more, and no man's knowledge was of more lustre and advantage to it; this Age shall declare to the next, and all Ages shall see it in his Kingly works; yet whilst under his glorious Reign we abounded with Peace and Plenty, our hands forgot to War, and our fingers to fight; till at last your Princeely Meditation, upon the humble suit of both Houses, the two Treaties were dissolved, and a foundation laid for your Majesty to steer another course.

F Eritis sicut dñi was the Serpent's counsel, and ruined Mankind; nor is it fit for private men (much less for me) to search into the Counsels and Actions of Kings, (only Sovereign) from a heart full of zeal to your Glory and Greatness, to say to your Majesty, The time requires you, and Religion calls upon you, to go on with the Kingly course you have begun, till the State of Christendom be set at his right ballance again.

We see the Eagle spreading her Wings in Germany, reaching with her Tails as far as the Sound and the Baltick Sea, Denmark and Sweden in danger of utter ruine; Binssyn the Elector at the choice of the Emperor, invested, in a manner, solely in the House of Austria, our Religion in France never so near a Period, and we know from whom it is; Ille cui Monarchia Mundi,

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Mundi, &c. and who, by the ruine of us and our Religion, would make a new Zodiack, and draw his eclipsed Lines through the East and West-Indies; but he that sits on high, will, in his due time, laugh them to scorn; and, as the wise Woman said unto King David, God will make my Lord the King a sure House, to continue still to fight the Battels of Jehovah, and let all England say, Amen.

I have presumed too far upon your Royal patience, therefore I will conclude with a few words for them that sent me, who are all most humble Suitors to your most Excellent Majesty.

The Speaker's  
several Petitions  
to the  
King.

1. For the better attending of the publick and important Service of the House, our Selves and our Attendants may be free, both in Person and Goods, from Arrests and Troubles, according to our antient Priviledges and Immunities.
2. Next, that your Majesty, according to our antient Use and Privilege, will be graciously pleased to allow us liberty and Freedom of Speech; and I assure my self, we shall not pass the latitude of Duty and Discretion.
3. That upon all occurrences of moment, fit for resort unto your Royal Person, your Majesty, upon humble suit at your best times, will vouchsafe us access to your Royal Person.
4. And lastly, That all our Proceedings may be lodged in your Royal Heart, with a belief of our Zeal and Loyalty, and reap the fruit of your Majesty's favourable and gracious Interpretation.

One word more I humbly beg for my self, that though it be the beginning of Parliaments, I may now and ever enjoy the benefit of your Majesty's most gracious, general, and free Pardon.

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Mr.

Mr. SPEAKER,

**H**IS Majesty with no less contentment then attention, hath hearkened to your eloquent Discourse, and marked your beginning suitable to his gracious encouragement and advice, not departing from your humble modesty but adding to it Alacrity, thankfulness and joy of Heart; he observes that you derive these Rights from the Throne in Heaven, his Majesty looks thither, and with you joyns his Prayers, that both he and this Assembly may by the divine hand and power be moulded into a joyful Union, for the safety and good of this Kingdom; next in applying your self to the Throne on Earth, of his Majesties gracious acceptance, and of the fulness of Zeal in your self, his Majesty believes it, and not in you alone, but in this great Assembly, and that both you and they may stand secure, not only from fear of wilful and pregnant Errors, but also from doubt of sinister interpretations: I may say with the Woman in Scripture, my Lord the King is like unto an Angel of God, of a quick, of a noble and just apprehension, he strains not at gnats, but will easily distinguish between a Vapor and a Fog, betwixt a mist of Errors and a Cloud of ill wills: If the Heart be right his Majesty knows that out of the abundance of the Heart, the Mouth speaks.

**D**You proceed to a Survey of this great and glorious Assembly, and in it as in a curious Cristal, you view the true happiness that we all enjoy, you have shewed and described aright, and whosoever it is that saith otherwise, either hath no sight or false glasses.

**E**We have enjoyed it long under gracious and good Princes, and the way to enjoy it still, is, to know and acknowledge it, and that God hath not dealt so with other Nations, and a principal cause and means is, as you mention in the Form of Government under which we live, a Monarchy, and the best of Monarchies, where Sovereignty is Hereditary, no *Interregnum* no Competition for a Crown; Dissent and Succession are here at once; the Spirit of God did long since proclaim by the mouth of the wisest of Kings this Beatitude, Blessed art thou oh Land where thy King is the Son of Nobles: The Frame of other States are subject, some to Unconstancy, some to Faction, some to Emulation and Ambition, and to many Distempers, where the people ever go to wrack, the Monarchy is most natural in its unity, the best

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Cement of Government prevailing most in respect of the Head that commands the rest; and therefore other States after they have continued a while, for the most part are reduced into this, as the best for Peace, for Strength, or for contintiance; but forms of Government though never so exact, move not of themselves, but are moved of the Governors.

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And therefore this our Monarchy, and this great Assembly, the lively image of this our Monarchy, are made happy and perfect in his Royal presence, in the Royal presence of him that sits here in his Throne: The Law as it is glorious in it self, so it is glorious in the happy Laws and Oracles that issue from it, but most glorious by them that sit on it, his Majesty; and his most Royal Progenitors, incomparable Kings, that with much honor have swayed the Royal Scepter of this Kingdom, so many Successions and Raigns.

B

From the Throne of Majesty you turn aside to the Chair of Doctrine, the Reverend Prelats and the Stars of Religion, (as they are properly called) this is (as you have well said) a blessing of Blessings, the very Pledge and assurance that secures all the rest, that as our Religion is most sincere and Orthodox, so our Clergy is eminent, both for purity of Doctrine, and integrity of Life, our Priests are cloathed with Righteousness, and their lips preserve knowledge, and therefore we may say with the Prophet, *Let Gods Saints sing for joy.* I must joyn with you in attributing this transcendent happiness, in the first place to the goodness of God, so in the second place to his Majesties Piety, who following the example of his ever blessed Father, is careful that all the Lamps of the Church should be furnished with Oyl, and they in Golden Candlesticks with the purest and best Oyl: the Schools and Nurseries of Learning were never so respected; Arts and Sciences did never so flourish, especially Divinity, as in these our last Ages: And as they shew his Majesties Piety, so they are infallible Arguments of his constancy; the Tryal which you call the fiery tryal in a place of Danger, against all the power and policy of *Rome* and *Spain*, do prove his Majesties resolutions to be immutable, and his remarkable example in his Chappel and Closset, his strict oversight and command to his houshold-servants, his charge to his Bishops and Judges, his Proclamations and Commissions, and the like, for the execution of the Laws, and his general care to keep

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keep the Fountain clear, both from superstition and Schism, are fruits and effects of a pious Government.

A From the Chair of Doctrine you turned to the State of Honor, to the Nobles and Barons of the Kingdom, these are as *Robur Belli*, and the service of the King and Kingdom, are to make good with their Swords what the Church doth allow and bless with their Prayers: therefore as the Prelates are the Lights of the Church, so these be the Stars of the State, we know the Stars have fought and fought mightily against Gods Enemies.

B From the State of Honor you turn to the State of Justice, and the 12 Lyons under *Solomons* Throne, the Judges and Sages of the Law, and as they be particularly trusted with the Laws of the Kingdom, Laws undoubtedly fitted to the disposition of this people, for *Leges Angliae & Consuetudines Angliae* (are) *Synonima, & Consuetudo altera natura*; so that besides their Justice and uprightness, Law is become natural to them. A powerful point of Obedience, such Laws in the mouth of the upright and learned Judges, are like good waters in a pure Channel, the longer they run the sweeter they are, and procure that effect which *Solomon* speaks of, *when the righteous be set in Authority the people rejoice.*

C From the State of Justice you come to the Knights, Citizens and Burgesses of the third State; the Scriptures are fulfilled; in the multitude of people is the Kings Honor; and therefore you may be sure, that no distance of place or distance of order make a distance in affection: for wise Kings ever love their Honor next their heart. Kings are, *Pastores Populi*, and the care of the Shepherd extends to the furthest as well as the nearest of his Flocks, nay he hath as much care of the least lambs as the greatest cattle, and as it is in the Body natural, no Member is so far remote, but it is still & continually under the Care of the Head, so in this great and politick body of this Kingdom, no rank nor order of people so low & so far remote from the Throne, but dayly & hourly they find and feel the influence and benefit of his Majesties Care and Providence; nay the superior rank of Nobles, of Judges, of Magistrates are not ordained for themselves, but as Fountains to convey the Justice, protection, & goodness of the King to every inferior Member, and therefore as the King is so just, so there is just cause you should be constant and Loyal to your power, and thus having perused both Houses by their

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special parts, you come to joyn them together, and in that juncture you observe the greatest denial of their requests is, that the King will Advise: It is a remarkable note, it shews also the Wisdom and Judgment of the House, Kings not willing to deny, and the People not willing to put them upon a denial; in the one modesty and wisdom in their request, in the other moderation and sweetness in their Answers.

But that is not all, Kings deny not the requests of the House, it holds much better by the rules of proportion, that the House deny not the requests of the King, that is the ancient and true Union of Parliaments, and the God of unity keep this unity; you have rightly called this an union of Hearts, so then it is a present fit for wise People to present to their King; Wise and Magnanimous Kings be a special gift from God, having large Hearts capable of greatness, it is never unwelcome to them where there is unity of Heart, so greatness is above all, and therefore present it to the King and you cannot doubt of acceptance.

Having spoken of Union, you fell into a memorial of the great and glorious Actions of his Majesties Predecessors, in the thought of this great one that remains, if I mistake not your meaning, you would have it understood, that the union of Princes and People made way to these memorable Actions of those former times, and we that wish the like in ours, should look back on our Forefathers; wisdom requires it, and that as we are the Sons of our Ancestors, so we should do the deeds of our Ancestors.

The Pride of *Rome* abated (as you say) by *England*, lifts up her horn again, and Religion, like a Vine Tree planted, and deeply rooted here, did spread into our Neighbour Countries, but lately hath lost many of her Golden Branches.

The *Austrian* Eagle that a while ago could not flutter for want of Feathers; now soars aloft, and preys where she lighteth on our Friends and Allies.

*Spain* often foiled by us, laughs and insults, that by their disguised Treaties, they have spoiled the Patrimony of those Princes, Branches of the Royal Cedar, and now she Posteth apace to universal Monarchy, to the ruine of us, our Friends and Religion; but God hath prevented them, and I hope his People will still stay their course.

There is a Resolution in our King, there is, I trust, a Resolution, for I am sure there was in the Parliament for that great Action.

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3 Caroli.

A His Majesty as he hath a *Solomon*, so he hath many *Davids* in the Glorious Catalogue of his Royal Descent, and hath joyned himself in the Blood of the greatest Princes, (as you mention) and besides he hath a victorious name suitable to his thoughts, and therefore as you have encouraged him to fight the Battels of *Jehovah*, so let all put to their helping hands and help, that it may be the glory of our King and Nation, for to set Christendom in a right Balance.

B And now Mr. Speaker to come to your Petitions that you have made in behalf of the House, his Majesty most graciously and readily grants them all, according to the true Rights and Priviledges in Parliament, which he trusts and believes you will not transgres, nor exceed; therefore you may go on and conclude of the weighty and publick busines, and the Almighty God prosper your work.

The Lord  
Keeper's An-  
swer to the  
Speaker's seve-  
ral Petitions.

C After this the House met, and one Bill was read about Recusants Children sent beyond Sea, and then the House rose.

D Before the Commons had entred into any Debates, this following Letter, touching the Inconveniences and Grievances of the State, was communicated to the Members of the House, and it was called *A Speech without doors.*

### To my noble Friends of the Lower-House of Parliament.

E If any County had held me worthy to have served in this Parliament, I had now been made a Member of your Lower-house, as formerly I have been in sundry other Parliaments: But how unkindly soever she dealeth with me, I will ever shew my thankfulness to her, and deliver, by way of observation, what I have heretofore learned in that grave and wise Assembly; for admonishment to the elder and a path-way for the younger to walk in.

F Parliaments, in my time, have been wont to take up some space at the first meetings, to settle the House, and to determine of *unlawful Elections*; and in this point they never had greater cause to be circumspect, than at this time: For by an Abuse lately crept in there is introduced a custom, which if it be not foreseen and prevented, will be a great derogation to the Honor, and a weakning to the power of your House. Where the Law giveth a freedom to Corporations to elect

The Speech  
without doors.

'Burgesses

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Burgesses, and forbiddeth any indirect course to be taken in their Elections; many of the Corporations are so base minded, and timerous, that they will not hazard the indignation of a Lord Lieutenants Letter, who underhand sticks not to threaten them with the charge of a Musket or a Horse at the Muster, if that he hath not the Election of the Burgesses, and not they themselves.

And commonly those that the Lords recommend, are such as desire it for protection, or are so ignorant of the place they serve for, as that there being occasion to speak of the Corporation for which they are chosen, they have asked their Neighbours sitting by, whether it were a Sea or a Land Town?

The next thing that is required, is, *Liberty of Speech*, without which Parliaments have little force or power; Speech begets doubts, and resolves them, and doubts in Speeches beget understanding; he that doubts much, asketh often, and learns much; and he that fears the worst soonest prevents a mischief.

This Priviledge of Speech is antiently granted by the testimony of Philip Comines a Stranger, who prefers our Parliaments and Freedom of the subject in them, above all other Assemblies; which Freedom, if it be broken or diminished, is negligently lost since the days of Comines.

If freedom of speech should be prohibited, when men with modesty make repetition of the Grievances and Enormities of the Kingdom; when men shall desire reformation of wrongs and injuries committed, and have no relation of evil thought to his Majesty, but with open heart and zeal express their dutiful and reverend respect to him and his service: I say, if this kind of liberty of Speech be not allowed in time of Parliaments, they will extend no further than to Quarter Sessions, and their Meetings and Assemblies will be unnecessary, for all means of disorder new crept in, and all remedies and redresses will be quite taken away.

As it is no manners to contest with the King in his Election of Counsellors and Servants, (for Kings obey no men, but their Laws) so were it a great negligence, and part of Treason, for a subject not to be free in Speech against the abuses, wrongs, and offences, that may be occasioned by persons in Authority. What Remedy can be expected from a Prince to the Subject, if the enormities of his Kingdom be concealed from him? Or what King so religious or just in his own nature, that may not hazard the loss of the hearts of his Subjects, without this Liberty of Speech in Parliament? For such is the misfortune of most Princes, and such is the unhappiness of Subjects where Kings affections are settled, and their loves so far transported to promote servants, as they only trust and credit what they shall inform.

In this Case, what Subject dares complain? Or what Subject dares contradict the words or actions of such a servant, if it be not warranted by freedom of a Parliament, they speaking with humility? For nothing obtaineth favor with a King, so much as diligent obedience.

The surest and safest way betwixt the King and his People, which hath least scandal of partiality, is with indifference, with integrity and sincerity, to examine the Grievances of the Kingdom, without touching upon the person of any man, farther than the cause giveth occasion: For otherwise, you shall contest with him that hath the Princes ears open to hearken to his enchanting tongue; he informs secretly, when you shall

A shall not be admitted to excuses, he will cast your deserved malice against him, to your contempt against the King, and seeking to lessen his Authority; and so will make the Prince the Shield of his Revenge.

A These are the sinister practises of such Servants, to deceive their Sovereigns, when our Grievances shall be authentically proved, and made manifest to the world by your pains to examine, and freedom to speak. No Prince can be so affectionate to a Servant, or such an Enemy to himself, as not to admit of this indifferent proceeding: If his Services be allowable and good, they will appear with glory; if bad, your labour shall deserve thanks both of Prince and Country.

B When Justice shall thus shine, people will be animated to serve their King with integrity: for they are naturally inclined to imitate Princes in good and bad.

B The words of *Cicero* will then appear, That malicious and evil men make Princes poor; and one perfect good man is able to make a Realm rich.

C One Case I will instance, that is common in the mouths of all men, and generally, *Vox Populi, vox Dei*. One of quality in the last Expedition to the Isle of Rhee, endeavoured to conceal the number of men lost in the last Encounter, and confidently affirmed their number not to exceed three or four hundred; till a Doctor of Physick out of tenderness of Conscience, and duty to his Majesty, could not dissemble the vulgar and true Report, but acquainted his Majesty with Two thousand of his Subjects there lost. This was so contrary to the first information, and so displeasing to the Informer and his Designs, that he caused the Physicians remove from his Highness presence, who yet remains in kind of a banished man.

D The truth of these two Reports is easily determined by the Clerks of the Bands of each Company, and is worthy to be discovered for Truth's sake. Truth being so noble of it self, as it will make him honorable that promoteth it: Lies may shadow it, but not darken it: they may blame, bet never shame it. By this small President his Majesty shall see himself abused; and it may be a means for him to reflect both upon Men and Matters.

E The Men slain are no less injured by concealing their names, whose lives were lost for King and Country. The Romans would have held it the highest Honour for their Friends and Posterity so to die: And a Parliament may fear, that those that stick not so palpably to wrong a King, may as unjustly cast aspersions upon the House, and other his loving Subjects.

F There is no remedy left for these mis-reports, but a freedom of Speech in Parliament. For there is no wise man that speaks, but knows what, and when to speak, and how to hold his peace. Whilst Subjects tongues are tied, for fear they may reach him a rap whose Conscience cries guilty; the King and his People are kept from understanding one another; the Enemy is heartened abroad, and the malignant humor of discontent nourished at home, and all for one who is like a Dragon, that bites the ear of the Elephant, because he knows the Elephant cannot reach him with his Trunk; and Princes are abased by false Reports whispered in their ears by Sycophants and Flatterers.

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‘ Diogenes being asked what Beast bit sorest, answered, Of Wild Beasts, the *Back-biter*; of Tame, the *Flatterer*.

‘ Now to descend to Grievances, which are of two kinds; some concerning the Kingdom in general; some in particular, which have relation to the general.

‘ The *Grievances in general* are so many in number, as will serve for every Member of the House to present Two apiece to your views. And because I cannot be admitted amongst you my self, yet in regard I have been a Member of you, I will presume so far as to rank my self with you, and to tender the number of Two unto your consideration.

‘ My first complaint is, *Of Titles of Honour*; and in two kinds.

‘ First, In respect of the Parties themselves, their Estates and Parentage.

‘ Secondly, In respect of the manner of their attaining thereunto, which is mercenary, base, and corrupt, which, in reason, should not hold: For by Law, the consideration is unlawful.

‘ *Trajanus* commended *Plutarch* for his Precepts in School, when he taught, That men should labour to deserve Honour, but avoid the getting of it basely; for if it were Reputation to have it by desert, it were Infamy to buy it for Money. In that Age where Rich men were honoured, good men were despised.

‘ Honour is not to be valued according to the vulgar opinion of men, but prized and esteemed as the Surname of Virtue, engendred in the mind; and such Honour no King can give, or money can purchase. He that will strive to be more Honorable than others, must abandon Passion, Pride, and Arrogancy; that so his virtue may shine above others. For Honour consists not in the Title of a Lord, but in the opinion People have of their Virtue; for it is much more honour to deserve, and not to have it, than to have it, and not deserve it.

‘ There is one of three things, that commonly causeth mans Advancement, Desert, Favour and Power.

‘ The first makes a man worthy of it, the other two are but abuses: For Favour is but a blind Fortune, an ounce of which at Court, is better than a pound of Wisdom: Fortune never favoureteth, but flattereth; she never promiseth, but in the end she deceiveth; she never raiseth, but she casteth down again. And this Advancement is meeter to be called Luck than Merit.

‘ That Honour that is compassed by Power, takes unto it self Liberty, and desires not to be governed by wisdom, but force. It knows not what it desireth, nor hath a feeling of any Injury: It is neither moved with sweet words, nor pitiful tears; such men leave not to do evil, because they have a desire to it, but when their power faileth to do it.

‘ The true Honour amongst the Honourablest is, where Fortune casts down, where there is no fault: But it is Infamy where Fortune raiseth, where there is no Merit.

‘ Examine the state and condition of men raised to Honour these 25 years

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' years past, and whether it be desert, favor or power that hath preferred them.

' Enter into the mischief the Kingdom hath suffered and doth suffer by it and the cause of his Majesties great wants will soon appear: If you Collect with your selves how many hungry Courtiers have been raised to the highest top of honor;

A ' After this, examine their Princely expence in these twenty five years, their Estates in prelent, and what is requisite to maintain them in their future degrees of honour, to themselves and their Posterity, and you shall find his Majesties annual Revenues consumed and spent upon those unworthy persons. Besides the impairing and impoverishing of the State, it brings with it the contempt of Greatness and Authority, it breeds an inward malice in Gentlemen better deserving of their Country, and better able to maintain the degree of honour without charge to King or Kingdom, and whose Houses and Alliance may better challenge it then the best of them.

B ' The Character of a covetous man is, that he getteth his goods with care and envy of his Neighbors, with sorrow to his Enemies, with travel to his body, with grief to his Spirit, with Scruple to his conscience, with danger to his soul, with suit to his Children and curse to his heirs; his desire is to live poor, to die rich: But as these vices are made virtues, even so is he honored for them with Title of Nobility.

C ' When Philip the second, King of Spain entred with Arms upon his Kingdom of Portugal, and though with his sword he might have made fitting Laws; yet were there some few Priviledges which the Portugals besought they might enjoy; one whereof was, That the King would make no unworthy person Noble, or without their approbation, which was granted them, and to this day they hold that Freedom, which keeps that Kingdom in the antient State, Honor and Dignity, ( that is to say ) two Dukes, one Marquis and Eighteen Earls: And thus much for the point of Honor.

D ' The second Grievance I will recommend to your view is, *The carriage of our Wars*, the excessive charges vainly spent therein the unworthiness of the people employed, the grave and experienced neglected, the designs not warranted by reason and discretion, and the executions worse performed, with many other circumstances that depend upon it.

E ' But before I Proceed herein, I must crave leave to speak to two Points,

F ' The one to declare the property and condition of Impostors and Deceivers of Princes.

G ' In the other I must clear the House of Parliament of an Imputation cast upon it.

H ' *Abusers of Princes* are they that perswade them to War; to become poor, when they may live in Peace, and become rich; when they may be loved, cause them to be hated; when they may enjoy their lives surely, put them in hazard of cross fortune rashly; and lastly, having necessity to use their Subjects, put them into that necessity, as they refuse to do for him: All this is Pride of the Perswader, as *Socrates* faith,

I ' In the second I will clear the Parliament (in which I was a Member) of an ungrateful aspersion cast upon it, that is to say, *That the Parliament was a cause to draw his Majesty, into a War, and failed on their parts to contribute to it.*

Sff      These

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‘ These have been often repeated, and the Parliament accused ; the contrary hath been as often reiterated, and the truth expressed how far the Parliament proceeded therein. But to stop the mouths of such false Reports, and to free the Parliament of such a calumny I must use this Argument.

‘ At the Assembly of *Oxford*, the Parliament being Prorogued thither, Money was required of us towards the furnishing of his Majesties Fleet then preparing, upon many reasons alledged, too tedious now to repeat, with one consent it was refused. A

‘ Whereupon there was offer made by him, that next the King, seemed to have best Authority, That if they would but contribute Forty thousand pounds, they should choose their enemy.

‘ Whereupon I infer, That before that proposition there was no Enemy, and therefore no Wars ; the motion for Money being denied, the Parliament instantly brake up ; and seeing no Enemy was nominated, nor Money consented unto by us, I see not how the House can be taxed for Peace-breakers, but rather the name to be cast upon some young men, for youth by nature is prone to Pride, especially where experience wants ; They are credulous in what they hear that pleaseth them, and incredulous in what is told them by wise men ; They are despisers of others Counsels, and very poor in their own ; They are dangerous for Princes to relie on, for self-will is of greater force than Precepts. B

‘ Now to proceed : In October following the fleet put to Sea, and what they did is apparent, by a Relation written by their General at his Return. C

‘ The Voyage being ended, another followed the next Summer under the command of that noble Lord, the Earl of *Lindsey*, which through the weakness and disability of the Ships, was not able to perform what he had in charge, and what he desired.

‘ The last and most lamentable, was that to the Isle of *Rhee*, which I likewise refer to a man I have seen, and to the Books printed and extant. D

‘ These, with that to *Algier*, to make up a Mēs of Island Voyages, I wish might be referred to the examination of choice and experienced Soldiers by Land and by Sea, to report their opinions of it, That so their Errors, their wastful expences, their Negligences, their weak Designs, and want of experience, may appear, with the success that might have proved, if Advice and Counsel had had preheminence above Will and Arrogancy ; For he that is ignorant of truth and knowledge, and led away with pride of his own opinions, must needs err. After it hath past your approbation, it is worthy his Majesties view, who then shall see the difference of Actions well mannaged, and rash and heady enterprises undertook by ignorance, and performed by folly. E

‘ Businesses of so great a consequence ought to be considered of with Counsel, and not only of the necessity, profit and honor, but of the possibility that was like to follow ; for an action well begun is half ended. F

‘ My experience in Discipline of War by Land and Sea can say no more than to refer it to others ; for ‘tis a course I never was bred to in my youth, and now too late in mine age to practise : Only one thing I observe, that in the two Journies of *Cadiz* and *Rhee*, in the first a Land-Soldier commanded at Sea, who knew not what belonged ed

‘ed thereunto ; and the other was carried by him that was Soldier  
‘neither by Land nor by Sea ; and the success proved accordingly in  
‘both : yet their errors were never questioned, but they both highly  
‘advanced.

A ‘ And it is no marvel ; for according to the old saying, The best Fen-  
‘cer is not always the best Fighter ; the fairer Tilter, not the best ex-  
‘perienced Soldier ; nor the eye of a favourite at Court, the best Ge-  
‘neral of an Host : And whosoever takes upon him that command with-  
‘out knowledge, beholds himself in a false Glass, that makes him seem  
‘what he is not.

B ‘ As on the contrary, Experience is the Mother of Prudence, and Pru-  
‘dence will take counsel, lest she joyn her self with her will : hastines  
‘causeth repentance, and forwardness causeth hinderance.

B ‘ Of the Evils that followed upon these two Voyages, your selves are  
‘sufficient Witnesses, and can judge of them : As namely, the Billeting  
‘of Soldiers in the Country, and bringing their Ships into Harbours,  
‘not abating the entertainment of the one, nor the wages of the other.  
‘And yet notwithstanding this needless cost and charges, our Ships and  
‘Coasts are daily infested in such sort, as we dare not peep out of  
‘Harbour.

C ‘ Were the carriage of things now answerable to the Prudence and  
‘Presidents of former times, we cannot pretend a fear of Invasion ; be-  
‘cause our Ships are divided into several Harbours, and our Soldiers bil-  
‘leted in Inland Countries ; besides, the season of the year giveth no op-  
‘portunity to an Enemy to attempt it.

D ‘ Here is a Mass of Wealth curiouly consum'd, whether the King or  
‘Subject bear it, and no man bettered, but only those that have the titles  
‘of Soldiers, yet never had the happiness or honour to see what apper-  
‘tained to service.

D ‘ Their example of disorder encourages the other to follow their Li-  
‘berty, People that were wont to live poorly, yet safely, are now by  
‘these Fellows and their Followers robbed and spoiled, and no remedy  
‘for redrefs.

E ‘ The Rich stand upon their Guard, and dare not resort to their  
‘Church, lest in their absence their Houses be surprised and rifled.

F ‘ The Enemy giveth a sudden attempt and returneth, the others do  
‘every day rob and spoil.

E ‘ The Enemy surpriseth with fear, the others have neither fear nor  
‘shame.

E ‘ The first lessening the greatness of the *Roman Empire*, was by the in-  
‘solency of Soldiers ; and the first raising of the *House of Ottoman*, was  
‘by permission and conniving at his Army.

F ‘ What man is there so old in *England* that hath seen, or what youth so  
‘young that ever thought to see, *Scottish* men and *Irish* men garrisoned in  
‘*England*, and no Enemy appear against us ? Or who could have imagi-  
‘ned he should ever have seen our own people tyrannized over in our  
‘own Kingdom by these of our own Nation, and those *Scottish* and *Irish*,  
‘and not dare so much as complain ?

F ‘ Would our Forefathers have thought it safety or policy to draw  
‘two thousand *Scottish* men and *Irish* men into the *Isle of Wight*, for their  
‘defence against *France*, when they of the *Isle* desired it not, nay, when  
‘they opposed it ?

F ‘ Would they have thought it wisdom, that two thousand Mouths,  
‘Sff 2 ‘ besides

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' besides the Inhabitants, should live on the food of that Island, and so bring themselves into want and penury of Victuals, if they should in earnest be attempted by an Enemy ? Would they have thought fit the charge of it should be required of them, and yet they to suffer all injuries from the hands of strange Soldiers, when the meanest Boy in the Island is taught to manage Arms better than the best of them that are there billeted ? No, but they would rather have thought it discretion, upon the return of those Voyages, to have caused the men to repair to the place where they were pressed, and to have ordered, that each Parish should have set them to work for their maintenance, with command to be ready, upon warning, to repair to the place of rendezvous.

' There is no place or part of *England* so remote from the Sea, but they might have resorted to the Port assigned, before the Ships could be furnished or drawn together. They would have thought it more wisdom to have retired to their own Harbours, and to have had their men discharged, than to have continued this needless and expenceful course that is taken. They would have judged it better to have supplied the Isle of *Wight* with two thousand men out of the main Land, when they feared any evil to the Island, than to send for them out of *Scotland*, and to keep them in continual entertainment. They would have thought it more fit to have returned the barbarous *Irish* into the Country from whence they came, than to make them a vexation to the places and parts where they remain, seeing no shadow of reason can be pretended for it.

' *England* wants no men, and hath as good and able men as either of the other two Nations, if his Majesty had occasion to use them.

' *England*, with small charge, can raise what men his Majesty pleaseth to command, and that suddenly, and discharge them again without trouble or charge as quickly. The wise men of *England* would have thought two or three hundred thousand pounds better spared, than thus wastefully consumed, and disorders committed; we may compute it to that sum, and yet keep our selves within that compass: And notwithstanding the want of Money, and the ways to exact it of the Subject, is all the Song now sung. He that sees and complains of the evil managing of things, is either imprisoned, banished the Court, or censured for a Discontent.

' There is no *English*-man, but knoweth the heart of every other true-hearted *English*-man, and with one consent will all obey our Prince, and to his Person we owe all due reverence; and we may truly say, No King is more happy in Subjects for their love, nor no Subjects readier to serve their King with their purses and persons; nor never people was better bles'd with a King, who is endowed with all kind of virtues, and stained with no manner of vice.

' False informers, and misguiders of good Kings, are much more pernicious, than if Princes themselves were evil: for commonly as Worms breed soonest in soft and sweet Wood, so are the best Natures, inclined to Honour and Justice, soonest abused by false Flatterers.

' The evil they commit under the Authority of good Princes, is accounted as done by the Prince himself; but commonly such people in the end pay for it; for he that desires not to do good, cannot be wise, but will fall into four thousand follies.

' One of the first Propositions made to the House, will be for Money to

A ‘to support his Majesties vast expence at this time, that the Enemy threatens thunder against the Kingdom. Your often Alarms upon such pretences, may make you now too secure; for true it is, that the last Parliament, Books were published of invincible Preparations intended against us, and nothing came of it. But beware you be not deceived by an old saying, That when one usually tells lies, he is not trusted when he speaks truth; for certainly the danger is much more, than by the power and greatness of another Enemy.

B ‘In this case you must give for your own sakes, that so you may be sure to enjoy what is yours; for your Sovereigns sake, to maintain his greatness and state; and for your Countries sake, to keep it from oppression of the Enemy: but withal, you ought to lay down the condition of the Kingdom, and to shew that your necessity cannot run parallel with your hearts and your desires; that your minds will be carried with a willingness to give, but your hands will keep back your hearts for want of ability to give.

C ‘Themistocles demanding Tribute of the Athenians, told them, He brought two gods with him, that is to say, Perswasion and Violence: They answered, That they had two other gods in their Country, both great and powerful, which were Poverty and Impossibility, which hindered them from giving.

D ‘We may truly say, That God hath so placed and seated this Isle of England, that nothing but evil counsel can hurt it. But true it is, advice that is not warranted from wise men, may prove more forcible and perilous, than the power of an Enemy.

E ‘The Scripture telleth us, That the thought perisheth that taketh not counsel.

F ‘A King of the Lacedemonians asked how a Kingdom might ever stand, and was answered, Two ways; If a King take counsel of wise honest men, and they speak freely; And do Justice uprightly.

G ‘There was never Censor that judged, Senator that Ordered, Emperor that Commanded, Council that Executed, Orator that Perswaded, nor any other mortal man, but sometimes he committed Errors, and deserved either blame or punishment for his misdoings; and if he were wise, desired advice what to do.

H ‘St. Gregory saith, No man can give so faithful counsel, as he who loves one more than his gifts; then who are, or can be, so true Counsellors to our noble King, as a House of Commons that hath no relation to a Kings gift, but only to his Honour, flourishing estate and safety?

I ‘This is the time to amend evil Counsels past, and to let evil Counsellors see their Errors.

J ‘This is the time for all men to put to their helps, some with their hands to fight, others with their advice to counsel: And for my advice, this it is;

K ‘That you present to his Majesty in all humbleness, your willing minds and hearts, to repair and fit to sea his Majesties Navy, your selves to have power to make them able and serviceable, with the advice of experienced men that you may call unto you. ‘This is a matter of great importance at this present for the safety of King, Realm, and Subject; for the strength of the Kingdom much depends upon this Bulwark, which we may well term, The Walls of England.

L ‘His Majesty shall find himself much eased by it, Businesses shall be carried without his trouble or care. Money shall not be sought for to ‘that

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'that end, but provided by you, his Majesty may dispose of the rest of his Revenue at his pleasure.

A  
 'By your frugality and husbandry, his Majesty shall have occasion to judge of things past, of yours in present, and hereafter it will serve for a President to walk after; it will stop the mouths of malignant tongues, that inform his Majesty of the unwillingness of the Subject to give; and it will make it apparent, that their true grief is not in the matter of giving, but to see the evil employing of it when it is given.

B  
 'If any man shall pervert this good meaning and motion of yours, and inform his Majesty, *Tis a derogation from his Honour to yield to his Subjects upon Conditions*: His Majesty shall have good cause to prove such mens eyes malicious and unthankful, and thereby to disprove them in all their other actions: For what can it lessen the reputation of a Prince, whom the Subject only and wholly obeyeth, that a Parliament, which his Majesty doth acknowledge to be his highest Council, should advise him, and he follow the advice of such a Council? What dishonour rather were it to be advised and ruled by one Counsellor alone, against whom there is just exception taken of the whole Commonwealth?

C  
 'Marcus Portio saith, That the Common-wealth is everlasting, where the Prince seeks to get obedience and love, and the Subjects to gain the affection of the Prince; and that Kingdom is unhappy where their Prince is served out of ends and hope of reward, and hath no other assurance of them but their service.

Grand Committees settled.

*Thursday the 20 of March*, the House settled their Grand Committees for Religion, Grievances, Courts of Justice, and Trade, and agreed upon a Petition to the King for a Fast; unto which the Lords also consented.

### Most Gracious Sovereign,

Petition for a Fast.

D  
 E  
 F  
**W**e your most humble and loyal Subjects, the Lords Spiritual and Temporal in this present Parliament assembled, upon a tender and compassionate sense of the extreme Calamities of the Reformed Churches abroad, and with much sorrow apprehending the displeasure of Almighty God declared against our selves, the manifold evils already fallen upon us, and those which are further threatned, as by your Sacred Majesty was intimated unto us, even to the utter destruction and subversion of this Church and State, and which our sins have justly deserved; and being now by your Majesties gracious favour assembled in Parliament, as the great Council of this your Kingdom, to consult of such means as we think fittest to redress the present, and prevent the future evils, wherein we, through Gods blessing, intend to employ our utmost endeavours, humbly beseech your Majesty, that by your special Command, one or more days may be forthwith solemnly set apart, wherein both our selves and the whole Kingdom may, by fasting and prayers, seek reconciliation at the hands of Almighty God, and with humble and penitent hearts beseech him to remove those miseries that lie upon us and our neighbour Churches, to avert those which are threatned, to continue the favours we yet enjoy, and particularly to bestow his abundant blessings upon your Majesty and this present Parliament, so that all our Counsels and Resolutions being blessed

sed by his Divine assistance, may produce much honor and safety to your Majesty, your People and Allies.

Debates  
touching  
Grievances.

A Saturday the 22 of March was spent in opening the grievances and state of the Kingdom, as billeting of Soldiers, Loans by Benevolences and Privy-Seal, and the imprisoning certain Gentlemen who refused to lend upon that account, who afterwards bringing their *Habeas Corpus* were notwithstanding remanded to prison; nor did the House encline to supply his Majesty till these Grievances were redressed: To which purpose

Sir Francis Scimour thus began;

B 'This is the great Council of the Kingdom, and here (if not here alone) his Majesty may see as in a true glass the state of the Kingdom;

C 'we are called hither by his Majesties Writs to give him faithful counsel such as may stand with his honor; but this we must do without flatte-

D 'ry: we are sent hither by the Commons to discharge that trust reposed in us, by delivering up their just grievances, and this we must do with-

E 'out fear: let us not therefore be like *Cambyses* Judges, who being de-

F 'manded of their King whether it were not lawful for him to do what in it self was unlawful; They (rather to please the King, then to dis-

'charge their own consciences) answered, that the Persian Kings might do what they listed: This base flattery tends to mischief, being fitter

'for reproof then imitation; and as flattery so fear taketh away the judgment, let us not then be possessed with fear or flattery, of corrupti-

'ons the basest: For my own part I shall shun both these, and speak my conscience with as much duty to his Majesty as any man, but not neg-

'lecting the Publick, in which his Majesty and the Common-wealth have an Interest: But how can we shew our affections whilst we retain our fears? Or how can we think of giving of Subsidies, till we know whe-

'ther we have any thing to give or no? For if his Majesty be perswaded by any to take from his Subjects what he will, and where it pleaseth him;

'I would gladly know what we have to give? Its true, it is ill with those Subjects that shall give Laws to their Princes, and as ill with those Prin-

'ces which shall use force with those Laws; that this hath been done, ap-

'peareth by the billeting of Soldiers, a thing no way advantagious to his Majesties service, but a burthen to the Common-wealth; This also ap-

'peareth by the last Levy of Money against an Act of Parliament. Again,

'Mr. Speaker, what greater proof can there be of this, then the imprison-

'ment of divers Gentlemen for the Loan, who if they had done the con-

'trary for fear, their fault had been as great as theirs that were the pro-

'jectors in it; and to countenance these Proceedings, hath it not been preached (or rather prated) in our Pulpits, that all we have is the Kings

'*Jure Divino* say these time-servers; they forsake their own function,

'and turn ignorant States-men; we see how willing they will be to change a good conscience for a Bishoprick, and (Mr. Speaker) we see how easie it is for a Prince, how just and good soever, to be abused, in

'regard he must see with other mens eyes, and hear with other mens ears.

'Let us not flatter his Majesty, it is too apparent to all the world, the King and People suffer more now then ever: His Majesty in his Affairs abroad,

'and his People in their Estates at home: But will you know the reason of all this, let us look back to the Actions of former Princes, and we shall find that those Princes have been in greatest want and extremity

'that exacted most of their Subjects, and most unfortunate in the choice of their Ministers, and to have failed most in their undertakings; hap-

'py

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py is that Prince that hath those that are faithful of his Council: That which his Majesty wanted in the management of his Affairs concerning France and Spain, I am clear was his want of *faithful Council* to advise, The reason is plain, a Prince is strongest by faithful and wise Council, I would I could truly say, such have been employed abroad. I will confess, and still shall from my heart, he is no good Subject, nor well affected to his Majesty and the State, that will not willingly and freely lay down his life, when the end may be the service of his Majesty, and the good of the Common-weal: But on the contrary, when against a Parliament-Law, the Subject shall have taken from him his Goods against his will, and his Liberty against the Laws of the Land: Shall it be accounted want of duty in us to stand upon our Priveledges, hereditary to us, and confirmed by so many Acts of Parliament?

In doing this we shall but tread the steps of our forefathers, who ever preferred the publick Interrest before their own right, nay, before their own lives; nor can it be any wrong to his Majesty to stand upon them so as thereby we may be the better enabled to do his Majesties service; but it will be a wrong to us and our posterity and our consciences, if we willingly forego that which belongs unto us by the Law of God, and of the Land, and this we shall do well to present to his Majesty; we have no cause to doubt of his Majesties gracious acceptance.

This debate (said Sir Th. Wentworth) carries a double Aspect towards the Sovereign and the Subject, though both be innocent, both are injured and both to be cured. Surely in the greatest humility I speak it, these illegal ways are punishment and marks of indignation, the raising of Loans strengthned by Commission, with unheard of Instructions and Oaths; the billetting of Soldiers by the Lieutenants, and Deputy Lieutenants, have been as if they could have perswaded Christian Princes, yea worlds, that the right of Empires, had been to take away by strong hands, and they have endeavored as far as possible for them, to do it. This hath not been done by the King (under the pleasing shade of whose Crown I hope we shall ever gather the fruits of Justice) but by Projectors, who have extended the Prerogative of the King, beyond the just Symetry, which maketh a sweet harmony of the whole: They have brought the Crown into greater want then ever, by anticipating the Revenews; And can the Shepherd be thus smitten and the sheep not scattered? They have introduced a Privy-Council ravishing at once the Spheres of all ancient Government, imprisoning us without either bail or bond; they have taken from us, what? What shall I say indeed, what have they left us? All means of supplying the King and ingratiating our selves with him, taking up the root of all propriety, which if it be not seasonably set again into the ground by his Majesties own hands, we shall have instead of beauty, baldness. To the making of those whole, I shall apply my self, and propound a Remedy to all these diseases. By one and the same thing have King and People been hurt, and by the same must they be cured; to vindicate, what, new things? No, our antient vital Liberties, by reinforcing the ancient Laws made by our Ancestors, by setting forth such a Character of them, as no licentious spirit shall dare to enter upon them; and shall we think this is a way to break a Parliament? No, our desires are modest and just, I speak truly, both for the interest of King and People; if we enjoy not these, it will be impossible for us to relieve him.

Therefore

A     'Therefore let us never fear they shall not be accepted by his goodness; wherefore I shall shortly descend to my motions, consisting of four parts, two of which have relation to our Persons, two to the propriety of Goods for our Persons; First, the freedom of them from imprisonment. Secondly, from employment abroad, contrary to the antient Customs: For our Goods, that no Levies be made, but by Parliament. Secondly, no billeting of Soldiers. It is most necessary that these be resolved, that the Subject may be secured in both.

Sir Benjamin Rudyard stands up as a Moderator, and spake thus:

B     'This is the Crisis of Parliaments; we shall know by this if Parliaments live or die, the King will be valued by the success of us, the Councils of this House will have operations in all, 'tis fit we be wise, his Majesty begins to us with affection, proclaiming, that he will rely on his Peoples love. Preservation is natural, we are not now on the *bene esse*, but on the *esse*; be sure *England* is ours, and then prune it. Is it no small matter that we have provoked two most Potent Kings? We have united them, and have betrayed our selves more than our Enemies could. Men and Brethren, what shall we do? Is there no Balm in Gilead? If the King draw one way, the Parliament another, we must all sink. I respect no particular, I am not so wise to contemn what is determined by the major part, one day tells another, and one Parliament instructs another. I desire this House to avoid all contestations, the hearts of Kings are great, 'tis comely that Kings have the better of their Subjects. Give the King leave to come off, I believe his Majesty expects but the occasion. 'Tis lawful, and our duty, to advise his Majesty, but the way is to take a right course to attain the right end; which I think may be thus: By trusting the King, and to breed a trust in him, by giving him a large Supply according to his wants, by prostrating our Grievances humbly at his feet, from thence they will have the best way to his heart, that is done in duty to his Majesty. And to say all at once, Let us all labour to get the King on our side, and this may be no hard matter, considering the near subsistence between the King and People.

C     Sir Edward Cook spake next.

D     'Dum tempus habemus bonum operemur. I am absolutely to give Supply to his Majesty; yet with some caution. To tell you of Foreign dangers and inbred evils, I will not do it; the State is inclining to a Consumption, yet net incurable; I fear not Foreign Enemies, God send us peace at home: For this disease I will propound remedies, I will seek nothing out of mine own head, but from my heart, and out of A&ts of Parliament. I am not able to fly at all Grievances, but only at Loans. Let us not flatter our selves; who will give Subsidies, if the King may impose what he will? And if, after Parliament, the King may inhaunce what he pleaseth? I know the King will not do it, I know he is a Religious King, free from personal vices; but he deals with other mens hands, and sees with other mens eyes. Will any give a Subsidy that will be taxed after Parliament at pleasure? The King cannot tax any by way of Loans, I differ from them, who would have this of Loans go amongst Grievances, but I would have it go alone.

E     Sir Edward Cook.

F     'I'll begin with a noble Record, it cheers me to think of it, 25 E. 3. It is worthy to be written in letters of gold; Loans against the will of the Subject, are against Reason, and the Franchises of the Land, and they deserve restitution: What a word is that Franchise? The Lord may tax his Villain high or low, but it is against the Franchises of the Land, for free-

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Mr. Secretary  
Cook.

men to be taxed by their consent in Parliament ; Franchise is a French word, and in Latine it is *Libertas*. In *Magna Charta* it is provided, that, *Nullus liber homo capiatur vel imprisonetur aut dissestetur de libero tenc-  
mento suo, &c. nisi per legale judicium parium suorum vel per legem terræ* ; Which Charter hath been confirmed by good Kings above thirty times.

When these Gentlemen had spoken, Sir John Cook, Secretary of State, took up the matter for the King, and concluded for redress of Grievances, so that Supplies take the precedence ; and said :

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I had rather you would hear any than me ; I will not answer what hath been already spoken ; my intent is not to stir, but to quiet ; not to provoke, but to appease : My desire is, that every one resort to his own heart to reunite the King and the State, and to take away the scandal from us ; every one speaks from the abundance of his heart : I do conclude out of every ones Conclusion, to give to the King, to redress Grievances ; all the difference is about the manner ; we are all Inhabitants in one House, the Commonwealth, let every one in somewhat amend his House, somewhat is amiss : but if all the House be on fire, will we then think of mending what is amiss ? Will you not rather quench the fire ? The danger all apprehend. The way that is propounded, I seek not to decline, illegal courses have been taken, it must be confessed, the redress must be by Laws and Punishment : but withal, add the Law of Necessity ; Necessity hath no Law, you must abilitate the State to do, what you do by Petition require. It is wished we begin with Grievances, I deny not that we prepare them, but shall we offer them first ? Will not this seem a Condition with his Majesty ? Do we not deal with a wise King, jealous of his Honour ? All Subsidies cannot advantage his Majesty so much, as that his Subjects do agree to supply him ; this will amaze the Enemy more than ten Subsidies : Begin therefore with the King, and not with our selves.

Sir Robert Philips.

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This days debate (said Sir Robert Philips) makes me call to mind the custom of the Romans, who had a solemn Feast once a year for their Slaves, at which time they had liberty ( without exception ) to speak what they would, whereby to ease their afflicted minds, which being finisled, they severally returned to their former servitude. This may, with some resemblance and distinction, well set forth our present state ; where now, after the revolution of some time, and grievous sufferings of many violent oppressions, we have (as those Slaves had) a day of liberty of speech ; but shall not, I trust, be herein Slaves, for we are free, we are not Bond-men, but Subjects ; these, after their Feasts were Slaves again ; but it is our hope to return Free-men. I am glad to see this mornings work, to see such a sense of the Grievances under which we groan. I see a concurrence of grief from all parts, to see the Subject wronged, and a fit way to see the Subject righted : I expected to see a division, but I see an honourable coniunction, & I take it a good Omen. It was wished by one, that there were a forgetfulness of all ; let him not prosper that withholdeth it not. No, there is no such ways to perfect remedy, as to forget injuries, but not so to forget, as not to recover them. It was usual in Rome to bury all injuries, on purpose to recover them. It was said by a Gentleman, that ever speaks freely, We must so govern our selves, as if this Parliament must be the Crisis of all Parliaments, and this is the last. I hope well, and there will be no cause for the King, our Head, to except against us, or we against him. The dangers abroad are presented to us, he is no English-man that is not apprehensive of them.

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' We have provoked two potent Kings (the one too near) who are too strongly joined together ; the dangers are not Chimerical, but real, I acknowledge it, but it must be done in proportion of our dangers at home ; I more fear the violation of Publick Rights at home, than a Foreign Enemy. Must it be our duties and directions to defend Foreign dangers, and establish security against them, and shall we not look at that which shall make us able and willing thereunto ? We shall not omit to confide and trust his Majesty, otherwise our Counsels will be with fears, and that becomes not Englishmen. The unaccustomed violences (I have nothing but a good meaning) trench into all we have. To the four particulars already mentioned, wherein we suffer, one more may be added, lest God forbear to hear me in the day of my trouble ; our Religion is made vendible by Commissions : Alas ! now a toleration is granted (little less) and men for pecuniary annual rates dispensed withal, whereby Papists without fear of Law, practise Idolatry, and scoff at Parliaments, at Laws, and all. It is well known, the people of this State are under no other Subjection, than what they did voluntarily consent unto, by the original contract between King and people ; and as there are many Prerogatives and Priviledges conferred on the King, so there are left to the Subject many necessary Liberties and Priviledges, as appears by the common Laws and Acts of Parliaments, notwithstanding what these two \* *Sycophants* have prated in the Pulpit to the contrary. Was there ever yet King of England that directly violated the Subjects Liberty and Property, but their actions were ever complained of in Parliament, and no sooner complained of, than redressed ? 21 E.3. there went out a Commission to raise money in a strange manner ; the succeeding Parliament prayed redress, and, till H.8. we never heard of the said Commissions again.

' Another way was by Loan, a Worm that canker'd the Law, the Parliament did redress it, and that mony was paid again. The next little Engine was *Benevolence* ; what the force of that was, look into the Statute of R.3. which damned that particular way, and all other indirect ways.

' Since the Right of the Subject is thus bulwarkt by the Law of the Kingdom, and Princes upon complaint have redresled them, I am confident we shall have the like cause of joy from his Majesty.

' I will here make a little digression : The \* County I serve for were pleased to command me to seek the removal from them of the greatest burthen that ever people suffered. It was excellently said, Commissionary Lieutenants do deprive us of all Liberty; if ever the like was seen of the Lieutenancy that now is, I will never be believed more : They tell the people, they must pay so much upon Warrant from a Deputy-Lieutenant, or be bound to the good behaviour, and sent up to the Lords of the Council ; it is the strangest Engine to rend the Liberty of the Subject that ever was ; there was now a *Decemviri* in every County, and amongst that *Decemviri*, there is some *Claudius Apius* that seek their own revenges ; We complain of Loans and Impositions, but when Deputy-Lieutenants may send Warrants to imprison our persons at pleasure, if we pay not what they sent for, it concerns us to preserve the Country in freedom, and to consider of this kind of people. There is now *Necessity* brought in for an argument, all know that *Necessity* is an armed man, and that *Necessity* is an evil Counsellor, I would we had never known that Council ; we are almost grown like the *Turks*, who send their *Janizaries*, who place the Halberd at the door, and there he is Master of the house. We have Soldiers billeted, and Warrants to collect mony, which if they do not, the Soldiers must

\* Sibthorp and Manwaring.

\* Sommerset-shire.

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come and rifle. The Romans sending one into Spain found no greater complaint, than the discontent that did arise from Soldiers placed amongst them. I would you would look into Fortescue, where he puts the Prince in mind, what misery he saw, where Soldiers were put upon the people: But, saith he, no man is forced to take Soldiers but Inns, and they to be paid by them; I desire we resort to his Majesty for redress, and to reduce all into bounds.

The other way of Grievance is a Judgment in a legal course of proceeding; we have had three Judgments of late times, all exceeding one another in prejudice of the Subject: The first was, That that was judged in all formality, the \* Postnati Case, which People I honour; for we find many of them love us more than we do our selves; I do not complain of it, but only mention it.

The other Judgment was for Impositions, which was given in the Exchequer, and this House two times after damned that Judgment: How remiss our eyes are upon that, I grieve to see.

There is a Judgment, if I may so call it, a fatal Judgment against the Liberty of the Subject, Mic. 3 Car. in Sir John Hervington's Case, argued at the Bar, and pronounced but by one alone; I can live, although another without Title be put to live with me; nay, I can live, although I pay Excises and Impositions for more than I do; but to have my liberty, which is the soul of my life, taken from me by power, and to be pent up in a Gaol without remedy by Law, and this to be so adjudged to perish in Gaol; O improvident Ancestors! Oh unwise Forefathers! To be so curious in providing for the quiet possession of our Lands and Liberties of Parliament, and to neglect our Persons and Bodies, and to let them die in prison, and that *durante benefacito*, remediless: If this be Law, what do we talk of our Liberties? Why do we trouble ourselves with the dispute of Law, Franchises, Propriety of Goods? It is the *summa totalis* of all miseries; I will not say it was erroneous, but I hope we shall speak our minds, when that Judgment comes here to be debated.

What may a man call this? If not Liberty; having passed in some confusion in the fashion of my delivery. I conclude: We will consider two particulars, his Majesty, and his People: His Majesty calls to us, and craves our assistance to revive again his Honour, and the Honour of the Nation: The People sends us, as we hope, with that direction, that we shall return to them with that Olive-branch, that assurance of being free from those calamities, under which they can hardly breath. Our sins have brought on us those miseries, let us all bring our Portion to make up the wall: we come with Loyal hearts; his Majesty shall find, that it is we that are his faithful Counsellors; let all Sycophants be far removed from his Majesty, since we cannot help his Majesty without opening our Grievances; let us discharge our duties therein; yet while we seek Liberty, we will not forget Subjection; all things a State can be capable of, either blessings or punishments, depend on this meeting; if any think the King may be supplied, and the Commonwealth preserved without redress of Grievances, he is deceived. The Kings of England were never more glorious than when they trusted their Subjects; let us make all hast to do the Errand for which we came; let the House consider to prepare our Grievances fit for his Majesty's view, not to make a Law to give us new Liberties, but Declaratory, with respective Penalties; so that those which violate them, if they would be vile, they should fear infamy with men; and then we shall think of such a Supply as never Prince received, and with our monies

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' we shall give him our hearts, and give him a new people rais'd from the dead : Then I hope this Parliament will be entituled, The Parliament of wonders, and Gods judgment diverted, and these beams of goodness shall give us life, and we shall go home to our own Countries, and leave our Posterities as free as our Ancestors left us.

But this day, as also the two next days Debate, produced no Resolutions, the time being spent in a general opening of Grievances from all parts of the Kingdom.

A Monday 24 March, Secretary Cook renewed the motion of Supplies for his Majesty, yet so, that Grievances be likewise taken into consideration.

B ' We all think fit (said he) that both these go hand in hand together ; but let me put you in mind of that which concerns the King, let him have the precedence of honour, if not of time ; let the heads of the Kings Supply first be propounded, this will be an honour to the King, and will do service to the House ; the end of this Parliament is the subsistence of the King, as he himself hath declared, and such a Command is not to be slighted ; the King himself propounded it, and then he will agree with us in other requests that are fit for a King to give ; we that have the happiness to attend his Majesty, can tell you, that no King is more ready to hear the complaints of his Subjects, and withal you know no King is more sensible of all reproaches which touch his Honour.

C ' Will it not be fit to grant him this Honour, to have the Precedency ? It was the speech of an antient Parliament man, Let us deal gently with our King ; by these Laws that we make, we do bind our selves, and it is an addition of his power : None that dies, but leaves his Heir to the favour of the King ; none that lives, but needs the favour of the King : we having made our first union with God, it is next intended, that we be at one with our King : Is it not fit we be at peace with our head ? His Majesty desires it, and expects it. After this unity with our Head, there is consideration to be had of unity with our selves ; after this, we shall be all knit in one body, we shall all pronounce clearly *Shibboleth*, and we

D shall consider of the grievances and irregularities of the times, which none desires to be reform'd more than his Majesty, and those whom you think most averse : Let us take the best way for Reformation : And will not this be a happy union, if the whole Body concur to reduce all into regularity ? If Laws be our Birth-rights, we shall hereby recover them and their splendor ; this will have good aspect abroad, and it will give courage to our men that have been despised, and will prevent pra-  
E cises to continue divisions amongst us, both at home and abroad. The first sower of seeds of distractions amongst us, was an Agent of Spain, Gondomar, that did his Master great service here and at home.

F Since that we have had other Ministers that have blown the fire : The Ambassador of France told his Master at home, what he had wrought here the last Parliament, namely, divisions between King and People, and he was rewarded for it. Whilst we sit here in Parliament, there was another intended Parliament of \* Jesuites, and other well-willers, within a mile of this place; that this is true, was discovered by Letters sent to Rome :

the place of their meeting is changed, and some of them are there where they ought to be; if you look in your Kalendar, there is a day of S. Joseph, it was called in the Letter the Oriental day, and that was the day intended for their meeting. I speak this, to see Gods hand to work our union in their division; they are not more rent from us, than they are from themselves. I desire the meanest judgment to consider what may follow

Secretary Cook moves for Supply for his Majesty.

\* In clerkenwell.

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'follow by giving precedency to his Majesty, and by so doing we shall put from our selves many imputations. If we give any occasion of breach, it is a great disadvantage; if otherwise, it is an obligation to his Majesty, which his Majesty will not forget.'

Then he made a motion, That the same Committee may hear Propositions of general heads of Supply, and afterward go to other busineses of the day for Grievances. Others preferred the consideration of Grievances, as a particular root that invade the main Liberty of the Subject. It is the Law (said they) that glorious fundamental Right, whereby we have power to give; we desire but that his Majesty may see us have that right therein, which, next to God, we all desire; and then we doubt not, but we shall give his Majesty all supply we can. The time was, when it was usual to desire favours for sowing discords, as *Gondomar* did for *Rawley's* head. But the debates of this day came to no Resolution. A

Thursday,  
March 15.  
Mr. Secretary  
Cook tender'd  
Propositions  
touching Sup-  
ply.

The House  
turned into a  
Committee.

*Habeas Corpus*  
and the Liber-  
ty of the Sub-  
ject debated.

Mr. Creswel.

The day following, Mr. Secretary Cook tender'd the House certain Propositions from the King, touching Supply; and told them, That his Majesty finding time precious, expects that they should begin speedily, lest they spend that time in deliberation, which should be spent in action; that he esteems the Grievances of the House his own, and stands not on Precedence in point of Honour. Therefore to satisfie his Majesty, let the same Committee take his Majesty's Propositions into consideration, and let both concur, whether to sit on one in the forenoon, or the other in the afternoon, it is all one to his Majesty. B

Hereupon the House turned themselves into a Committee, and commanded *Edward Littleton* Esq; unto the Chair, and ordered the Committed to take into consideration the Liberty of the Subject, in his Person, and in his Goods; and also to take into consideration his Majesty's Supply. In this Debate, the Grievances were reduced to six Heads, as to our Persons. C

1. Attendance at the Council-board.
2. Imprisonment.
3. Confinement.
4. Designation for Foreign Employment.
5. Martial Law.
6. Undue Proceedings in matter of Judicature.

The first matter debated, was the Subjects Liberty in his Person; the particular instance was in the case of *Sir John Heveningham*, and those other Gentlemen who were imprisoned about *Loan-money*, and thereupon had brought their *Habeas Corpus*, had their Case argued, and were nevertheless remanded to Prison, and a Judgment, as it was then said, was entered. Whereupon Mr. Creswel, of *Lincolns-Inn*, spake to this purpose. E

'Justice (said he) is the Life and the Heart-blood of the Commonwealth: and if the Commonwealth bleed in the Master-vein, all the Balm in *Gilead* is but in vain to preserve this our Body of Policy from ruine and destruction. Justice is both *Columna & Corona Republica*; she is both the Column and the Pillar, the Crown and the Glory of the Commonwealth; this is made good in Scripture by the judgment of *Solomon*, the wisest King that ever reigned upon Earth. For first, she is the Pillar; for he saith, *By Justice the Throne shall be established*. Secondly, she is the Crown; for he saith, *That by Justice a Nation shall be exalted*. F

'Our Laws, which are the rules of this Justice, they are the *ne plus ultra* to both the King and the Subject; and as they are the *Hercules Pillar*, so they are the Pillar to every *Hercules*, to every Prince, which he must not pass. Give

‘ Give me leave to resemble her to Nebuchadnezzar’s Tree, for she is so great, that she doth shade not only the Palace of the King, and the House of Nobles, but doth also shelter the cottages of the poorest beggar.

A ‘ Wherefore, if either now the blasts of indignation, or the irresistible violator of Laws, *Necessity*, hath so bruised any of the Branches of this Tree, that either our Persons, or Goods, or Possessions, have not the same shelter as before; yet let us not therefore neglect the root of this great Tree, but water it with our Tears, that so these bruised Branches may be recovered, and the whole Tree again prosper and flourish. I know well, that *Cor Regis inscrutabile*; and that Kings, although they are but men before God, yet they are gods before men. And therefore to my gracious and dread Sovereign (whose virtues are true qualities, ingenerate both in his judgment and nature) let my arm be cut off; nay, let my soul not live that day, that I shall dare to lift up my arm to touch that forbidden Fruit, those Flowers of his Princely Crown and Diadem.

B ‘ But yet in our *Eden*, in this Garden of the Common-wealth, as there are the Flowers of the Sun, which are so glorious, that they are to be handled only by Royal Majesty; so are there also some Daisies, and wholsom Herbs, which every common hand, that lives and labours in this Garden, may pick and gather up, and take comfort and repose in them: Amongst all which, this *Oculus Diei*, this *Bona libertas*, is one, and the chief one. I will now descend to the Question, wherein I hold, with all dutiful submission to better judgments, that these acts of Power, in imprisoning and confining of his Majesty’s Subjects in such manner, without any declaration of the Cause, are against the Fundamental Laws and Liberties of this Kingdom.

C ‘ The first, from the great favour which the Law doth give unto, and the great care which it hath ever taken of the liberty and safety of this Kingdom.

D ‘ To proceed therefore in maintenance of my first reasons; I find our law doth so much favour the Subjects liberty of his person, that the body of a man was not liable to be arrested or imprisoned for any other cause at the Common-Law, but for force, and things done against the Peace: For the Common-Law (being the preserver of the Land) so abhorreth force, that those that commit it, she accounteth her capital Enemies, and therefore did subject their Bodies to imprisonment. But by the Statute of Marlbridge, c.24. which was made 35 H.3. who was the eighth King from the Conquest, because Bailiffs would not render accompts to their Lords, it was enacted, that their Bodies should be attached. And after by the Stat. 23 E.3.17. who was the eleventh King after the Conquest, because men made no conscience to pay their Debts, it was enacted, That their Bodies should likewise be attached. But before those Statutes, no mans Body was subject to be taken or imprisoned, otherwise than as aforesaid; whereby it is evident, how much the Common-Law favoured the Liberty of the Subject, and protected his Body from imprisonment.

E ‘ Here he enforced the Reason by a Rule in Law, and mentioned some Cases in Law upon that Rule, and so proceeded to a second Reason, drawn by an Argument *a majori ad minus*.

F ‘ I frame it thus (said he) If the King have no absolute power over our Lands or Goods, then *a fortiori*, not over our Persons, to imprison them, without declaring the Cause; for our Persons are much more worth than either Lands or Goods; which is proved by what I have said already: And Christ himself makes it clear, where he saith, *An non est corpus supra vestimentum?*

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*vestimentum? Is not the Body of more worth than the Raiment?* Nay, I may well say, that almost every leaf and page of all the Volums of our Common-Law prove this right of Propriety, this distinction of *meum* and *tuum*, as well between King and Subject, as one Subject and another: And therefore my Conclusion follows, that if the Prerogative extend not neither to Lands nor to goods, then *a fortiori*, not to the Person, which is more worth than either Lands or Goods, as I said. And yet I agree, that by the very Law of Nature, service of the Person of the Subject is due to his Sovereign; but this must be in such things which are not against the Law of Nature; but to have the Body imprisoned without any cause declared, and so to become in bondage, I am sure is contrary unto, and against the Law of Nature, and therefore not to be enforced by the Sovereign upon his Subjects.

3. 'My next Reason is drawn *ab iniutili & incommodo*; for the Statute *de frangentibus prisonam*, made 1 E. 2. is, *Quod nullus qui prisonam fregerit subeat judicium vita vel membrorum pro fractione prisonæ tantum nisi causa pro qua captus imprisionetur tale judicium requirat*. Whence this conclusion is clearly gathered, That if a man be committed to prisom without declaring what cause; and then if either malefactor do break the prison, or the Gaoler suffer him to escape, albeit the Prisoner so escaping had committed *crimen lese Majestatis*; yet neither the Gaoler, nor any other that procured his escape, by the Law suffer any corporal punishment for setting him at large; which if admitted, might prove in consequence a matter of great danger to the Common-wealthe.

4. 'My next Reason is drawn *a Regis honore*, from that great Honor the Law doth attribute unto Sovereign Majesty; and therefore the rule of Law is, that *solum Rex hoc non potest facere, quod non potest justè agere*. And Hussey Chief Justice, 1 H.7. saith, that Sir John Markham told King E.4. He could not arrest a man either for Treason or Felony, as a Subject might, because that if the King did wrong, the Party could not have an Action against him; and if the Kings Writ, under his Great Seal, cannot imprison the Subject, unless it contains the cause; shall then the Kings Warrant otherwise do it, without containing the cause? That his Judge upon the Return thereof, may likewise judge of the same.

'But I will conclude with that which I find reported of Sir Joh. Davis, who was the Kings Serjeant, and so, by the duty of his Place, would no doubt maintain, to his uttermost, the Prerogatives of the King his Royal Master: And yet it was by him thus said in those Reports of his, upon the Case of Tavistry-Customs, That the Kings of England always have had a Monarchy Royal, and not a Monarchy Seignoral: where, under the first, saith he, *The Subjects are Free-men, and have Proprietary in their Goods and Free-hold, and Inheritance in their Lands*: but under the latter, they are as Villains and Slaves, and have propriety in nothing. And therefore, said he, When a Royal Monarch makes a new Conquest, yet if he receives any of the Nations antient Inhabitants into his protection, they and their heirs after them shall enjoy their Lands and Liberties according to the Law. And there he vouched this President and Judgment following, given before William the Conqueror, viz. That one Sherborn, a Saxon, at the time of the Conquest, being owner of a Castle and Lands in Norfolk, the Conqueror gave the same to one Warren, a Norman; and Sherborn dying, the heir claiming the same by descent, according to the Law; it was before the Conqueror himself adjudged for the heir, and that the gift thereof by the Conqueror was void. Upon this and other Arguments made in this Case of the *Habeas Corpus*,

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the House referred the whole business to a Committee, to examine all the Proceedings: concerning which, Mr. Selden afterwards made report to the House, That Mr. Waterhouse, a Clerk in the Crown-Office, being examined before the Committee, did confess, That by direction from Sir Robert Heath, the King's Attorney-General, he did write the draught of a Judgment in the Case before mention'd, which was delivered to Mr. Attorney. And Mr. Keeling being examined before the Committee, did confess, That after Mich. Term last, the Attorney-General wished him to make a special Entry of the *Habeas Corpus*: To which he answered, He knew no special Entry in those Cases, but only a *Remittitur*: But said to Mr. Attorney, That if he pleased to draw one, and the Court afterwards assent to it, he would then enter it. The Attorney did accordingly make a draught, and the Copy thereof Mr. Keeling produced to the Committee. And further said, That he carried this Draught to the Judges, but they would not assent to a special Entry: Nevertheless, the Att. General divers times sent to him, and told him there was no remedy, but he must enter it. Yet a week before the Parliament, the Att. General called for the draught again, which accordingly he gave unto him, and never heard of it more.

Sir Robert Philips, upon this Report, gave his opinion, 'That this intended Judgment in the *Habeas Corpus*, was a draught made by some man that desired to strike us all from Liberties: But the Judges justly refused it; but if the Judges did intend it, we sit not here (said he) to answer the trust we are sent for, if we present not this matter to his Majesty. Let this business be further searched into, and see how this Judgment lies against us, and what the Judges do say concerning the same.'

Sir Robert Phi-  
lips.

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Sir Edw. Cook proceeded, and said, 'This draught of the Judgment will sting us, *quia nulla causa fuit ostenta*, being committed by command of the King, therefore he must not be bailed: What is this, but to declare upon Record, that any Subject, committed by such absolute command, may be detained in Prison for ever? What doth this tend to, but the utter subversion of the choice Liberty and Right belonging to every free-born Subject of this Kingdom? I fear, were it not for this Parliament, that followed so close after that form of Judgment was drawn up, there would have been hard putting to have had it entred: But a Parliament brings Judges, Officers, and all men in good order.'

Sir Edward  
Cook.

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The Commons afterwards, upon further debates of this matter, desired, That the Judges of the King's Bench might declare themselves concerning this business; which was done accordingly: and though it be a little out of time, yet, for coherence sake, we bring it in here.

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Judge Whitlock spake thus.  
'My Lords, We are, by your appointment, here ready to clear any Aspersion of the House of Commons in their late Presentment upon the King's Bench, that the Subject was wounded in the Judgment there lately given. If such a thing were, my Lords, your Lordships, not they, have the power to question and judge the same. But, my Lords, I say, there was no Judgment given, whereby either the Prerogative might be enlarged, or the Right of the Subject trench'd upon. It is true, my Lords, in Mich. Term last, four Gentlemen petitioned for a *Habeas Corpus*, which they obtained, and Counsel was assigned unto them; the Return was, *Per speciale mandatum Domini Regis*, which likewise was made known to us under the hands of Eighteen Privy-Counsellors. Now, my Lords, if we had delivered them presently upon this, it must have been, because the King did not shew cause wherein we should have

Judge Whitlock  
in justification  
of the Pro-  
ceedings in the  
Upper-Bench  
upon the *Ha-  
beas Corpus*.

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judged the King had done wrong, and this is beyond our knowledge; for he might have committed them for other matters than we could have imagined; but they might say thus, They might have been kept in Prison all their days: I answer, No, but we did remit them, that we might better advise of the matter; and they the next day might have had a new Writ, if they had pleased. But they say, we ought not to have denied Bail: I answer, If we had done so, it must needs have reflected upon the King, that he had unjustly imprisoned them: And it appears in *Dicr, 2 Eliz.* that divers Gentlemen being committed, and requiring *Habeas Corpus*, some were bailed, others remitted: whereby it appears, much is left to the discretion of the Judges.

For that which troubleth so much, *Remittitur quousque*; This, my Lords, was only (as I said before) to take time what to do: and whereas they will have a difference between *Remittitur* & *Remittitur quousque*; My Lords, I confess I can find none; but these are new inventions to trouble old Records. And herein, my Lords, we have dealt with knowledge and understanding; for had we given a Judgment, the Party must therupon have rested; every Judgment must come to an issue in matter in fact, or demur in point of Law; here is neither, therefore no Judgment.

For endeavouring to have a Judgment entred (it is true) Mr. Attorney pressed the same for his Majesty's Service: But we having sworn to do right between his Majesty and his Subjects, commanded the Clerk to make no Entry, but according to the old form; and the Rule was given by the Chief Justice alone. I have spent my time in this Court, and I speak confidently, I did never see nor know by any Record, that upon such a Return as this, a man was bailed, the King not first consulted with, in such a Case as this.

The Commons House do not know what Letters and Commands we receive; for these remain in our Court, and are not viewed by them. For the rest of the matters presented by the House of Commons, they were in agitation before us, whether the King may commit, and how long he may detain a man committed. Therefore having answered so much as concerneth us, I desire your Lordships good construction of what hath been said.

Judge Doderidge, concerning the same Subject, said, 'It is no more fit for a Judge to decline to give an account of his doings, than for a Christian of his Faith. God knoweth, I have endeavoured always to keep a good Conscience; for a troubled one, who can bear? The Kingdom holds of none but God; and Judgments do not pass privately in Chambers, but publickly in Courts, (where every one may hear) which causeth Judgment to be given with maturity. Your Lordships have heard the particulars given by my Brother, how that Counsel being assigned to those four Gentlemen in the latter end of Michaelmas Term, their Cause received hearing, and upon consideration of the Statutes and Records, we found some of them to be according to the good old Law of *Magna Charta*; but we thought that they did not come so close to this Case, as that Bail should be presently thereupon granted. My Lords, the *Habeas Corpus* consisteth of three parts; The Writ, the Return upon the Writ or Schedule, and the Entry or Rule reciting the *Habeas Corpus* and the Return, together with the Opinion of the Court, either a *Remittitur*, or a *Traditur in Bellum*. In this Case, a *Remittitur* was granted, which we did, that we might take better advisement upon the Case, and upon the *Remittitur*, My Lords,

Judge Doderidge the like.

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A 'Lords, they might have had a new Writ the next day, and I wish they  
 'had, because, it may be, they had seen more, and we had been eased of a  
 'great labour. And, my Lords, when the Attorney, upon the *Remittitur*,  
 'presideth an Entry, we all straightly charged the Clerk, that he should make  
 'no other Entry, than such as our Predecessors had usually made in like  
 'Cases. For the difference between *Remittitur* and *Remittitur quoniamque*,  
 'I could never yet find any: I have now sat in this Court Fifteen years,  
 'and I should know something: surely, if I had gone in a Mill so long, dust  
 'would cleave to my clothes. I am old, and have one foot in the Grave,  
 'therefore I will look to the better part as near as I can, But, *Omnia ha-*  
*bere in memoria, & in nullo errare, Divinum potius est quam humanum.*

The Lord Chief Justice *Hide*, and Justice *Jones*, delivered their opinions much to the same purpose. The House proceeded in further debate of the Liberty of the Subject.

B Mr. *Hawke* resumes the Debate of the matter concerning the *Habeas Corpus*.

'The late Judgment ( said he ) which lies in Bar, is only an Award,  
 'and no Judgment; and in the L. Chief Justice his Argument, there was  
 'no word spoken, that the King might commit or detain without cause.

'For the King to commit a man, is *indignum Regi*: Mercy and Honour  
 'flow immediately from the King, Judgment and Justice are his too, but  
 'they flow from his Ministers; the Sword is carried before him, but the  
 'Sceptre in his hands. These are true Emblems of a good King.

C 'The Law admits not the Kings power of detaining in Prison at pleasure. In antient times Prisons were but *pro custodia, carceres non ad pænam, sed ad custodiam*. Admit the King may commit a man, yet to detain him as long as he pleaseth, is dangerous, and then a man shall be punished before his offence: Imprisonment is a maceration of the body,  
 'and horrour to the mind; it is *vita peior morte*.

D Mr. *Selden* last of all produced the Statutes, Presidents, and Book-Cases, which were expressed in point to the Question in hand; and the House commanded that Case in the Lord Chief Justice *Anderson's* Book, all of his own hand-writing, to be openly read.

E And for the Presidents cited by the King's Council, in the 34 year of the Queen, as the Opinion of all the Judges; certainly there was a great mistake in it, and the mistake was the greater, when it passed as currant by the Judges of the King's Bench, in the last Case of the *Habeas Corpus*. And that the truth of the Opinion may clearly appear, let us read the words out of the Lord Chief Justice *Anderson's* Report, out of the Book written with his own hand, which will contradict all those Apocrypha Reports that go upon the Case: The words of the Report were these.

F Divers persons fueront commises a several temps a several prysons sur plaisir sans bon cause, partie de queux estiant amesnes en Banck le Roy, Et partie en le Commune banck, fuerunt accordant a le ley de la terre misse a large & discharge de le imprisonment, pur que aucuns grants fueront offendus & procure un commandement a les Judges que ils ne fera ainst apres. Ceo nient miens les Judges ne surcease, mes per advise enter eux ils se joindront certain Articles le tenour de queux ensus, & deliver eux al seigneurs Chancelor & Treasurer & eux subscribe avec toutes lour maines, les Articles sont come ensuist.

We her Majesty's Justices of both Benches, and Barons of the Exchequer, desire your Lordships, that by some good means some order may be taken, that her Highness Subjects may not be committed or detain'd in prison by commandment of any Nobleman or Counsellor against the Laws of the Realm; either else to help

Mr. *Hawke* resumes the Debate of the *Habeas Corpus*.Mr. *Selden*.Judge *Anderson's* Reports.

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us to have access to her Majesty, to the end to become Suitors to her for the same: for divers have been imprisoned for suing ordinary Actions and Suits at the Common-Law, until they have been constrained to leave the same against their wills, and put the same to order, albeit Judgment and Execution have been had therein, to their great losses and griefs: for the aid of which persons, her Majesty's Writs have sundry times been directed to sundry persons, having the custody of such persons unlawfully imprisoned, upon which Writs, no good or lawful cause of imprisonment hath been returned or certified: Whereupon, according to the Laws, they have been discharged of their imprisonment; some of which persons so delivered, have been again committed to prison in secret places, and not to any common or ordinary Prison, or lawfull Officer or Sheriff, or other lawfully authorized, to have or keep a Gaol; so that upon complaint made for their delivery, the Queens Courts cannot tell to whom to direct her Majesty's Writs; and by this means Justice cannot be done. And moreover, divers Officers and Serjeants of London have been many times committed to Prison for lawfull executing of her Majesty's Writs, sued forth of her Majesty's Court at Westminster, and thereby her Majesty's Subjects and Officers are so terrified, that they dare not sue or execute her Majesty's Laws, her Writs and Commandments: Divers others have been sent for by Pursewarts, and brought to London from their dwellings, and by unlawful imprisonment have been constrained, not only to withdraw their Lawful Suits, but have also been compelled to pay the Pursewarts, so brining such persons great sums of money. All which, upon complaint, the Judges are bound by Office and Oath to relieve and help, by and according to her Majesty's Laws. And where it pleaseth your Lordships to will divers of us to set down in what Cases a Prisoner sent to custody by her Majesty or her Council, are to be detained in Prison, and not to be delivered by her Majesty's Court or Judges: We think, That if any person be committed by her Majesty's command, from her Person, or by Order from the Council-board; and if any one or two of her Council commit one for high Treason, such persons so in the Cases before committed, may not be delivered by any of her Courts, without due trial by the Law, and Judgment of acquittal had. Nevertheless the Judges may award the Queen's Writ, to bring the bodies of such Prisoners before them; and if upon return thereof, the causes of their Commitment be certified to the Judges, as it ought to be, then the Judges in the Cases before, ought not to deliver him, but to remand the Prisoner to the place from whence he came, which cannot conveniently be done, unless notice of the cause in general, or else in special, be given to the Keeper or Gaoler that shall have the custody of such a Prisoner. All the Judges and Barons did subscribe their Names to these Articles, Ter. Paschæ 34 Eliz. and delivered one to the Lord Chancellor, and another to the Lord Treasurer: After which time there did follow more quietness than before, in the Cause before-mentioned.

After the reading of this Report, Sir Edw. Cook said, 'That of my own knowledge this Book was written with my L. Anderson's own hand; it is no flying report of a young Student. I was Solicitor then, and Treasurer Burley was as much against Commitment as any of this Kingdom; It was the White Staves that made this stir. Let us draw towards a conclusion: The Question is, Whether a Freeman can be imprisoned by the King, without setting down the cause? I leave it as bare as Æsop's Crow; they that argue against it, *Humores moti & non remoti corpus destruunt*. It is a Maxime, The Common-Law hath admeasured the King's Prerogative, that in no case it can prejudice the Inheritance of the Subjects; had the Law given the Prerogative to that which is taken, it would have set some time to it, else mark what would follow. I shall have an Estate of Inheritance

Sir Edward  
Cook.

Inheritance for life, or for years in my Land, or propriety in my Goods, and I shall be a Tenant at will for my liberty: I shall have propriety in my own house, and not liberty in my person, *Per spicula veri non sunt probanda.* The King hath distributed his Judicial Power to Courts of Justice, and to Ministers of Justice; it is too low for so great a Monarch as the King is, to commit men to Prison; and it is against Law, that men should be committed, and no cause shewed. I would not speak this, but that I hope my gracious King will hear of it; yet it is not I *Edw. Cook* that speaks it, but the Records that speak it; we have a National appropriate Law to this Nation, *diversis ab orbe Britannis.* I will conclude with the *Acta of the Apostles*, chap. 25. *It is agaist reason to send a man to prison, and not to shew the cause.* It is now time to go to the Question.

*Resolved upon the Question, Nemine contradicente.*

I. That no Freeman ought to be detained or kept in prison, or otherwise restrained by the command of the King or Privy-Council, or any other, unless some cause of the commitment, detainer or restraint be expressed, for which by Law he ought to be committed, detained or restrained.

Resolves touching the Subjects liberty in his Person.

II. That the Writ of *Habeas Corpus* may not be denied, but ought to be granted to every man that is committed or detained in prison, or otherwise restrained, though it be by the command of the King, the Privy-Council, or any other, he praying the same.

III. That if a Freeman be committed or detained in prison, or otherwise restrained, by the command of the King, the Privy-Council, or any other, no cause of such Commitment, Detainer, or Restraint being expressed, for which by Law he ought to be committed, detained, or restrained, and the same be returned upon *Habeas Corpus*, granted for the said Party, then he ought to be delivered or bailed.

And then taking into consideration the Property of the Subject in his Goods, they came to this Resolution, to which there was not a Negative; viz.

D. That it is the ancient and undubitable right of every Freeman, that he hath a full and absolute property in his Goods and Estate; that no Tax, Tallage, Loan, Benevolence, or other like Charge ought to be commanded, or levied by the King, or any of his Ministers, without common consent by Act of Parliament.

*Wednesday, March 26.*

The Propositions tendered the day before by Secretary *Cook* from his Majesty, were now received and read, but the Debate thereof was referred to another day. The Propositions were these; viz.

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The King's Propositions to the House of Commons touching Supply.

E. 1. To furnish with Men and Victuals 30 Ships, to guard the Narrow Seas, and along the Coasts.

2. To set out Ten other Ships for relief of the Town of *Rochel*.

3. To set out Ten other Ships for the preservation of the *Elbe*, the *Sound*, and *Baltick-Seas*.

4. To levy Arms, Cloath, Victual, Pay, and transport an Army of 1000 Horse and 10000 Foot for Foreign Service.

5. To pay and supply 6000 more, for the service of *Denmark*.

6. To supply the Forts of the Office of Ordance.

7. To supply the Stores of the Navy.

8. To build Twenty Ships yearly for the increase of the Navy.

9. To repair the Forts within the Land.

10. To pay the Arrears of the Office of Ordnance.

11. To pay the Arrears of the Victuallers Office.

12. To

An. 1627.

A Conference  
between the  
Lords and  
Commons,  
managed by  
Secretary  
Cook against  
Recusants.

## 12. To pay the Arrear of the Treasure of the Navy.

13. To pay the Arrears due for the freight of divers Merchant Ships  
imployed in his Majesty's Service.

## 14. To provide a Magazine for Victuals for Land and Sea-service.

And the Commons having a conference with the Lords about the Petition against Recusants, Secretary Cook was appointed to manage the said Conference.

In the first place (he said) we acknowledge all due honour, both unto the Reverend Fathers of the Church, and to our Noble Lords, in that ye have shined before us as worthy Lights, in the encouragement and maintenance of true Religion, being the true support of all Dignities and Honours. And this forwardnes of you is the more remarkable, when that Viperous Generation, as your Lordships justly stiled them, do, at ease, with tooth and Nail, essay to rend the bowels of their Mother. Give me leave to tell you what I know, That these now both vaunt at home, and write to their Friends abroad, They hope all will be well, and doubt not to prevail, and to win ground upon us.

And a little to wake the Zeal and Care of our Learned and Grave Fathers, it is fit that they take notice of that Hierarchy, which is already established, in competition with their Lordships; for they have a Bishop consecrated by the Pope; the Bishop hath his Subalterne Officers of all kinds, as Vicars-General, Arch-Deacons, Rural-Deans, Apparitors, and such like; Neither are these Nominal or Titular Officers alone, but they all execute their Jurisdictions, and make their ordinary Visitations through the Kingdom, keep Courts, and determine Ecclesiastical Causes. And, which is an Argument of more consequence, they keep ordinary intelligence by their Agents in Rome, and hold correspondence, with the Nuntio's and Cardinals, both at Bruxels, and in France.

Neither are the Seculars alone grown to this height, but the Regulars are more active and dangerous, and have taken deep root; they have already planted their Societies and Colledges of both Sexes, they have settled Revenues, Houses, Libraries, Vestments, and all other necessary provisions, to travel or stay at home: Nay, even at this time they intend to hold concurrent Assembly with this Parliament.

But now since his sacred Majesty hath extended his Royal Arm and since the Lords of his Council have, by their Authority, caused this nest of Wasps to be digged out of the Earth, and their Convocations to be scattered; and since your Lordships joyn in courage and resolution, at least to reduce this people to their lawful restraint, that they may do no more hurt, we conceive great hope and comfort, that the Almighty God will, from henceforth, prosper our endeavours both at home and abroad.

But now, my Lords, to come to the chief Errand of this our meeting, which is, to make known to you the Approbation of our House of that Petition to his Majesty, wherein you are pleased to request our concurrence. The House hath taken it into serious consideration, and from the beginning to the end approve of every word, and much commend your happy Pen; only we are required to present unto you a few Additions, whereby, we conceive, the Petition may be made more agreeable to the Statutes which are desired to be put in Execution, and to a former Petition granted by his Majesty, Recorded in both Houses, confirmed under the Broad-Seal of England, and published in our Courts of ordinary Justice.

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But these things we propound, not as our Resolutions, or as matters to raise debate or dispute, but commend them only as our advice and desire, being ready notwithstanding to joyn with your Lordships in the Petition, as now it is, if your Lordships shall not find this Reason to be of weight.

This being agreed unto, on Monday the 31 of March, the aforesaid Petition was presented to his Majesty by both Houses; at the delivery whereof, the Lord Keeper spake as followeth.

### Most Gracious Sovereign,

The Lords Spiritual and Temporal, and Commons in this present Parliament assembled, out of the due care of the Glory of Almighty God, and of the Honour and safety of your Majesty, do, with all humbleness, and with one unanimous consent, present to your Royal Hands, the most Loyal desires of all their hearts; which is set down in a dutiful Petition, which is, to quicken the Laws against the Perturbers of the Peace of all States: We cannot, nor do not forget your Majesty's most gracious A&ts and Answers on the like Petition; they are visible to the World, to your Majesty's honour and comfort: We bend our knees and hearts, blessing God and your Majesty therefore; yet let it not seem needless, that we repair again to your Majesty: The Husbandman knows, that Weeds are not destroyed at one weeding: These are growing Evils, they are Weeds of a spreading nature: And we that come from all parts, do think it our duty to tell your Majesty, that God's Vineyard is not yet cleansed. And God himself requires, that we pray to him often, even for what he means and promiseth to bestow on us. But my message comes from the Pen of both Houses; and therefore I humbly beseech your Majesty, to lend a gracious ear to hear me read the Petition.  
After the reading thereof, his Majesty made this short Speech.

The Lord  
Keeper's  
Speech at the  
presenting a  
Petition from  
both Houses  
against Recu-  
sants.

### My Lords and Gentlemen,

I Do very well approve the method of your proceedings in this Parliament, *A Jove principium*; hoping that the rest of your Consultations will succeed the happier. And I like the Preamble of my Lord Keeper, otherwise I should have a little suspected, that you had thought me not so careful of Religion as I have, and ever shall be, wherein I am as forward as you can desire. And for the Petition, I answer first in general. That I like it well, and will use these as well as other means for the maintenance and propagation of that Religion wherein I have lived, and do resolve to die. But for the particulars, you shall receive a more full Answer hereafter. And now will I only add this, That as we pray to God to help us, so we must help our selves: For we can have no assurance of his assistance, if we do lie in bed, and only pray, without using other means. And therefore I must remember you, that if we do not make provision speedily, we shall not be able to put one Ship to Sea this year. *Verbum sapienti sat est.*

The King's  
Answer to the  
Petition.

Afterwards the Lord Keeper signified unto the House, That his Majesty had now given his Answer unto the Petition exhibited by both Houses against Recusants, and had commanded his Lordship to read the same answer in this House; and Mr. Secretary to read it in the House of Commons. Whereupon the Clerk read the first Article of the said Petition,

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tion, and the Lord Keeper read his Majesty's Answer unto the same, and to each Article therof.

The which Petition, with the Answers, follow, *in hac verba.*

### Most Gracious Sovereign.

**W**E your most loyal and obedient Subjects, the Lords Spiritual and Temporal, and Commons in Parliament assembled, having, to our singular comfort, obtained your Majesty's pious and gracious assent for a publick Fast, to appease the wrath of Almighty God kindled against us, and to prevent those grievous Judgments, which do apparently press upon us, do, in all humility, present unto your Sacred Majesty all possible thanks for the same. And because the publick and visible sins of the Kingdom, are the undoubted causes of those visible Evils that are fallen upon us; amongst which sins (as is apparent by the word of God) Idolatry and Superstition are the most heinous & crying sins; to the end that we may constantly hope for the blessing of God to descend upon this our publick Humiliation, by abandon those sins which do make a wall of separation betwixt God and us.

1. Article.

**W**E most humbly and ardently beg at the hands of your most Sacred Majesty, That your Majesty will be pleased to give continual life and motion to all those Laws, that stand in force against Jesuites, Seminary Priests, and all that have taken Orders, by Authority of the See of Rome, by exacting a more due and serious execution of the same: Amongst which number, those that have highly abused your Majesty's clemency, by returning into the Kingdom after their banishment, contrary to your Highness express Proclamation, we humbly desire may be left to the severity of your Laws without admitting of any mediation or intercession for them. And that such of your Majesty's unsound and ill-affected Subjects, as do receive, harbour or conceal any of their viperous Generation, may, without delay, suffer such Penalties and Punishments, as the Laws justly impose upon them.

### *His Majesty's Answer unto the first Article of this Petition.*

**T**O the first Point his Majesty answereth, That he will, according to your desire, give both life and motion to the Laws that stand in force against Jesuites, Seminary Priests, and all that have taken Orders, by Authority of the See of Rome: And to that end, his Majesty will give strict order to all his Ministers, for the discovering and apprehending of them, and so leave them, being apprehended, to the tryal of the Law. And in case, after trial, there shall be cause to respite execution of any of them, yet they shall be committed (according to the example of the best times) to the Castle of Wisbitch, and there be safely kept from exercising their Functions, or spreading their Superstitious and dangerous Doctrine; and the Receivers and Abettors, they shall be left to Law.

2. Article.

**T**HAT your Majesty would be pleased to command a surer and strait watch to be kept in and over your Majesty's Ports and Havens, and to commit the care and charge of searching of Ships for the discovery and apprehension, as well of Jesuites and Seminary Priests brought

brought in, as of Children and young Students, sent over beyond the Seas, to suck in the poysen of Rebellion and Superstition, unto men of approved fidelity and Religion: And such as shall be convicted to have connived or combined in the bringing in the one, or conveying of the other, that the Laws may pass upon them with speedy execution.

*His Majesties Answer to the Second Article.*

A **T**O the second Article, His Majesty granteth all that is in this Article; and to this end will give Order to the Lord Treasurer, Lord Admiral and Lord Warden of the Cinque Ports, that in their several places they be careful to see this Article fully executed, giving strict charge to all such as have place and authority under them, to use all diligence therein. And his Majesty requireth them, and all other his Officers and Ministers, to have a vigilant eye upon such as dwell in dangerous places of advantage or opportunity, for receiving or transporting of any such as are here mentioned. And his Majesty will take it for good Service, if any will give knowledge of any such as have connived or combined, or shall connive or combine, as is mentioned in this Article, that Justice may be strickly done upon them.

3 Article.

C **T**HAT considering those dreadful dangers (never to be forgotten) which did involve your Majesties sacred Person, and the whole representative body of your Majesties Kingdom, plotted and framed by the free and common access of Popish Recusants to the City of London, and to your Majesties Court, your Majesty would be graciously pleased to give speedy command for the present putting in practice those Laws that prohibite all Popish Recusants to come to the Court, or within ten miles of the City of London; as also those Laws, that confine them to the distance of five miles from their dwelling Houses: and that such by-past Licenses not warranted by Law, as have been granted unto them for their repair to the City of London may be discharged and annulled.

*His Majesties Answer to the Third Article.*

D **T**O the third; His Majesty will take Order to restrain the recourse of Recusants to the Court; and also for the other points in this Article his Majesty is well pleased that the Laws be dueley executed, and that all unlawful Licenses be annulled and discharged.

4 Article.

E **T**HAT whereas it is more then probably conceived, that infinite sums of monys have within these two or three years last past been extracted out of the Recusants within the Kingdom by colour of composition, and a small proportion of the same returned unto your Majesties coffers, not only to the sudden enriching of private persons, but to the emboldning of Romish Recusants to entertain Massing Priests into their private Houses, and to exercise all their Mynique Rites of their gross superstition, without fear of controll, amounting (as by their dayly practice and ostentation we may conceive) to the nature of a concealed Toleration; your Majesty would be graciously pleased to entertain this particular more neerly into your Princely wisdom and consideration; and to dissolve this mistery of Iniquity patched up of colourable Leases, Contracts, and Preconveyances, being but Masks on the one part of fraud to deceive your Majesty and States, on the other part for private men to accomplish their corrupt ends.

An. 1628.

*His Majesty's Answer to the Fourth Article.*

**T**O the fourth Article his Majesty is most willing to punish for the time past, and prevent for the future any of the deceits and abuses mentioned in this Article; and will account it a good service in any, that will inform himself, his Privy Council, Officers of his Revenues, Judges, or learned Council, of any thing that may reveal this mystery of Iniquity. And his Majesty doth strictly command every of them, to whom such information shall be brought, that they suffer not the same to die, but do their uttermost endeavour to effect a clear discovery, and bring the offenders to punishment. And to the intent no concealed toleration may be effected, his Majesty leaves the Laws to their course.

5. Article.

**T**HAT as the Persons of Ambassadors from foreign Princes, and their Houses, be free for the exercises of their own Religion, so their Houses may not be made free Chappels and Sanctuaries unto your Majesties Subjects, Popishly affected, to hear Mass, and to participate in all other Rites and Ceremonies of that Superstition, to the great offence of Almighty God, and scandal of your Majesties People loyally and religiously affected: That either the concourse of Recusants to such places may be restrained, or at least such a vigilant watch set upon them, at their return from those places, as they may be apprehended, and severely proceeded withal, Ut qui palam in luce peccant in luce puniantur.

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6. Article.

**T**HAT no place of Authority and Command, within any the Countries of this your Majesties Kingdom, or any Ships of your Majesties, or which shall be employed in your Majesties Service, be committed to Popish Recusants, or to Non-communicants, by the space of a year past, or to any such persons as according to direction of former Acts of State are justly to be suspected, as the place and Authority of Lords Lieutenants, Deputy Lieutenants, Justices of Peace, or Captains, or other Officers or Ministers mentioned in the Statute made in the third year of the Reign of your Father of blessed Memory: And that such as by Connivence have crept into such places, may by your Majesties Royal Command be discharged of the same.

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*His Majesties Answer to the Sixth Article.*

**T**O the sixth; his Majesty is perswaded that this Article is already observed with good care; nevertheless, for the avoiding (as much as may be) all errors and escapes in that kind, his Majesty will give charge to the Lord Keeper, that at the next Term he call unto him all the Judges, and take Information from them of the state of their several Circuits, if any such (as are mentioned in this Article) be in the commission of the Peace, that due reformation may be made thereof; And will likewise give order to the Lord Admiral, and such others to whom it shall appertain, to make diligent enquiry and certificate to his Majesty, if any such be in place of Authority and Command in his Ships or Service.

That

A **T**HAT all your Majesties Judges, Justices, and Ministers of Justice, unto whose care and trust, execution (which is the life of your Majesties Laws) is committed, may, by your Majesties Proclamation, not only be commanded to put in speedy execution those Laws which stand in force against Jesuites, Seminary Priests, and Popish Recusants, but that your Majesty would be further pleased to command the said Judges, and Justices of Assize, to give a true and strict account of their proceedings, at their returns out of their Circuits, unto the Lord Keeper, by the Lord Keeper to be presented unto your Majesty.

### *His Majesty's Answer to the Seventh Article.*

**T**O the Seventh his Majesty doth fully grant it.

8. Article.

B **A**ND for a fair and clear eradication of all Popery for the future, and for the breeding and nursing up of a holy Generation, and a peculiar People, sanctified unto the true Worship of Almighty God, that until a provisional Law may be made for the training and educating of the Children of Popish Recusants, in the Grounds and Principles of our holy Religion, which we conceive will be of more power and force to unite your People unto you in fastness of Love, Religion, and loyal Obedience, than all Pecuniary Bulks and Penalties that can possibly be devised: Your Majesty would be pleased to take it into your own Princely care and consideration, these our humble Petitions proceeding from hearts and affections Loyally and Religiously devoted to God and your Majesties Service, and to the safety of your Majesties Sacred Person, we most zealously present to your Princely wisdom, craving your Majesties chearful and gracious approbation.

### *His Majesty's Answer to the Eighth Article.*

D **T**O the Eighth, his Majesty doth well approve it, as a matter of necessary consideration; and the Parliament now sitting, he recommendeth to both Houses the preparation of a fitting Law to that effect. And his Majesty doth further declare, that the mildness that hath been used towards thōse of the Popish Religion, hath been upon hope, that Foreign Princes thereby might be induced to use moderation towards their Subjects of the Reformed Religion; but not finding that good effect which was expected, His Majesty resolveth, unless he shall very speedily see better fruits, to add a further degree of severity, to that which in that Petition is desired.

Debates touching his Majesties Propositions.

Sir Francis Seimor.

E **O**N Wednesday the 2. of April, the Propositions sent from the King, were mentioned, and several Gentlemen expressed themselves severally on that Subject.

F **I**t is said, that the greatest grievance is want of Supply; but I hold it a greater grievance that his Majesty is brought into those necessities, especially considering the Supplies that of late have been given to the King, two Subsidies of Parliament, besides Privy-Seals, the late Loan, whereby five Subsidies were forcibly and unadvisedly taken, and we have yet purchased to our selves nothing by all these but our own dishonor, we have drawn and provok'd two powerful Enemies upon us; it is not then what the Subjects do give, unless his Majesty employ men of integrity and experience, otherwise all that we give will be cast into a bottomless bag.

An. 1628.  
Sir Nath. Rich.

**S**OME Propositions we shall not meddle with, as a Sovereign Army to be transported, we are not fit for that yet, but we will not reject it; for great Princes, who give out rumors of raising great Armies, do put their Enemies to great fears; than the defence of our Coasts, nothing is more necessary; but the Bill of Poundage is for that particular Supply. And how far it may prejudice us for a future Precedent, to give other Supply, let us be advised.

Mr. Secretary  
Cook.

**M**R. Secretary Cook, observing a distinction made upon the Propositions, as if some of them were to be omitted; I know (said he) you will do it upon deliberation; some there are not possible to be omitted, as the guarding of the Seas, defence of the Elbe, Rochel, and those draw on all the rest: Ships must have Men and Munition, and we cannot divide any of these. This House is tender of the Country; the King will not lay a burthen that cannot be born: We may supply his Majesty without this, give we now what we please, the King may make use of it before the People are able to pay; and we shall not only make his Majesty subsist, but advance his reputation in the World, by the unity of his People, more than by any Treasure.

Sir Jo. Elliot.

**I**NDEED there may be some necessity for a War offensive, but looking on one late disaster, I tremble to think of sending more abroad.

Let us consider those two great Undertakings at *Cales* and *Rhee*; at *Cales*, that was so gloriously pretended, where our men arrived and found a Conquest ready, namely, the *Spanish* Ships, a satisfaction sufficient and fit for us, and this confessed by some then employed, and never but granted by all, that it was feasible and easie; why came this to nothing? After that opportunity lost, when the whole Army was landed, with destruction of some of our Men; Why was nothing done? If nothing was intended, why were they landed, and why were they shipt again? For *Rhee's* Voyage, was not the whole action carried against the judgment of the best Commander? Was not the Army landed? Not to mention the leaving of the Wines, nor touch the wonder that *Cæsar* never knew, the enriching of the Enemy by courtesies. Consider what a case we now are in, if on the like occasion, or with the like instruments, we shall again adventure another Expedition. It was ever the wisdom of our Ancestors here, to leave Foreign Wars wholly to the State, and not to meddle with them.

Sir Edward  
Cook.

**S**IR Ed. Cook. When poor *England* stood alone, and had not the access of another Kingdom, and yet had more and as potent Enemies as now it hath, yet the King of *England* prevailed.

In the Parliament-Roll, in the 42 year of *Edw. 3.* the King and the Parliament gave God thanks for his Victory against the Kings of *Scotland* and *France*; he had them both in *Windsor-Castle* as Prisoners. What was the reason of that Conquest? Four Reasons were given. 1. The King was assisted by good Counsel. 2. There were valiant men. 3. They were timely supplied. 4. Good Employment.

3 R.2. The King was environed with *Flemings*, *Scots*, and *French*; and the King of *England* prevailed.

13 R.2. The King was environed with *Spaniards*, *Scots*, and *French*; and the King of *England* prevailed.

4 Caroli.

‘ 17 R.2. Wars were in Ireland and Scotland, and yet the King of England prevailed, and thanks were given to God here; and I hope I shall live to give God thanks for our Kings Victories.

‘ 7 H.4. One or two great men about the King so mewed him up, that he took no other advice but from them; whereupon the Chancellor took this Text and Theme in his Speech at the Parliament, *Mulorum consilia requiruntur in magnis, in bello qui maxime timent sunt in maximis periculis.*

A ‘ Let us give, and not be afraid of our Enemies; let us supply bountifully, chearfully, and speedily, but enter not into particulars. Solomons Rule is, *Qui repetit separat, nay separat fœderatos.* We are united in duty, &c. to the King, the King hath fourscore thousand pounds a year for the Navy, and to scour the Narrow Seas; it hath been taken, and we are now to give it; and shall we now give more to guard the Seas? Besides, when that is taken of our gift, it may be diverted another way.

B ‘ It shall never be said we deny all supply; I think my self bound, where there is *commune periculum*, there must be *commune auxilium.*

Sir Thomas  
Wentworth.

C ‘ I Cannot forget that duty I owe to my Country, and unless we be secured against our Liberties, we cannot give. I speak not this to make diversions, but to the end that giving I may give chearfully. As for the Propositions to be considered of, I incline to decline them, and to look upon the state of our Country, whether it be fit to give or no. Are we come to an end for our Countries Liberties? Have we trenched on the Rates of the Deputy-Lieutenants? Are we secured for time future?

Sir Henry Mar-  
tin.

D ‘ WE all desire Remedies for our Grievances, and without them we shall neither be willing nor able to give; for my part, I heartily desire remedy, but which is the best and wisest way, that is the question: As we have made some progress in our Grievances, so let us now go on to Supply. There is a Proverb, *Non bis ad idem.* Dash not the Commonwealth twice against one Rock. We have Grievances, we must be eased of them; who shall ease us? No Nation hath a People more loving to the King than we; but let the King think it, and believe it, there is a distance betwixt him and us; before we can have his heart, we must remove it. Our disease is not so great, but that it may be cured, it is the Kings Evil which must be cured with Gold. Let us imitate Jacob, who wrestled with the Angel, and would not let him go; I would we could wrestle with the King in duty and love, and not to let him go in this Parliament, till he comply with us. We must take heed of too much repetition, and over-beating of Grievances, it is dangerous, and it may make a further separation: He that talks too much of his Grievances, makes the Party that is the cause of it make an Apology, and to justifie it, and that is dangerous. Let us do as Poets in a Tragedy, that sometimes have Comical passages, and so a generous mind will sink presently. Sure a due presentation of such Grievances to such a King with moderation, will take place with him. In all deliberations, go the safest way; the old way I have heard is first to remove Grievances; we must not tie and bind ourselves by all that was done before. I have gone over the Thames in former times on foot, when it was all an Ice, but that is no argument to perswade me to do the like now, because I did so once.

E ‘ THE House waving the Debate of the Propositions, proceeded with Grievances by Confinement, and Designation for Foreign employment; in which points, several Gentlemen delivered their opinion.

The House  
waves, &c.

‘ Con-

An. 1628.

Mr. Selden.

Confinement is different from Imprisonment, and it is against the Law that any should be confined, either to his House, or else-where: I know not what you can call a punishment, but there is some ground of it, or mention thereof in Acts of Parliament, Law-Books, or Records; but for this of Confinement, I find none: Indeed Jews have been confined in former times to certain places, as here in London to the Old Ju-ry: The Civilians have perpetual Prisons, and coercive Prisons, upon Judgments in Court, *Carcer domesticus* is a confinement for madmen.

Sir T. Hobby.

I Was employed in 88. in that Service, it was then thought fit that Recusants should be confined in strong places, but it was not held legal, and when the Navy was dispersed, they were set at liberty; and the Parliament petitioned the Queen for a Law, to warrant the Confinement: Hereupon it was resolved, That no Freeman ought to be confined by any command of the King or Privy-Council, or any other, un-les it be by Act of Parliament, or by other due course or warrant of Law. And then the House proceeded to the Debate, concerning Designation to Foreign Employment.

Sir Peter Hayman about Foreign imploy-  
ment.

T ouching Designation to Foreign Employment, Sir Peter Hayman opened his own Case: 'I have forgot my employment unto the Palatinate, I was called before the Lords of the Council, for what I know not, I heard it was for not lending on a Privy Seal. I told them, if they will take my Estate, let them, I will give it up, lend I will not. When I was before the Lords of the Council, they laid to my charge my unwillingness to serve the King; I said, I had my Life and my Estate to serve my Country, and my Religion: They put upon me, if I did not pay, I should be put upon an employment of Service. I was willing. After ten weeks waiting, they told me I was to go with a Lord into the Palatinate, and that I should have imployment there, and means befitting. I told them, I was a Subject, and desired means. Some put on very eagerly, some dealt nobly; they said, I must go on my own purse: I told them, *Nemo militat suis expensis*. Some told me, I must go; I began to think, What, must I? None were ever sent out in that kind. Lawyers told me, I could not be so sent. Having that assurance, I demanded means, and was resolved not to stir upon those terms, and in silence and duty I de-nied. Upon this, they having given me a command to go, after some twelve days they told me, they would not send me as a Soldier, but to attend on an Ambassador. I knew that stone would hit me. I settled my troubled Estate, and addressed my self to that Service.

Mr. Hackwell.

T his is a great point, that much concerns the Commonwealth, if the King cannot command a Subject to his necessary Service, and on the other side, it will be little less than an honourable banishment to the Subject, if he may. Our Books say, the King cannot compel any to go out of the Realm; and an Action brought against him, he cannot plead in Bar, that he is by command from the King in Foreign Service, but the King may give him his protection. 5 E.3. N.9. in the Parliament-Roll there was an Ordinance, whereby the King had power to send some to Ireland, it is ordained, that such Sages of the Law & Soldiers, where need shall be, though they refuse to go, and excuse themselves, if their excuses be not reasonable, the King may do to them according to right and reason: If the

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the King by Law could do this of himself, and send them to Ireland his own Dominion, he would never have taken power from his Parliament; and if men do not according to that Law there is no imprisonment prescribed.

A **N**O restraint, be it never so little, but is Imprisonment, and foreign Employment is a kind of honourable Banishment: I my selfe was designed to go to Ireland, I was willing to go, and hoped if I had gone, to have found some *Mompessons* there: There is difference when the Party is the Kings servant, and when not. 46 E. 3. this was the time when the Law was in its height: Sir Richard Pembridge was a Baron, and the Kings Servant, and Warden of the Cinque-Ports, he was commanded to go to Ireland, and to serve as Deputy there, which he refused: He was not committed, but the King was highly offended, and having Offices and Fees and Lands *pro servitio suo impenso*, the King seised his Lands and Offices: I went to the Parliament Roll, 47 E. 3. where I found another president for foreign employment; they that have Offices *pro consilio or servitio impenso*, if they refuse, those Lands and Offices so given are seized, but no commitment.

sir Ed. Cook.

B **I**F any man ows a man a displeasure, and shall procure him to be put into foreign employment, it will be a matter of high concernment to the Subject: We know the Honor and Justice of the King, but we know not what his Ministers or the mediation of Ambassadors may do to work their own wrath upon any man.

Sir Thomas Wentworth.

C **I**F you grant this Liberty, what are you the better by other priviledges? what difference is there between imprisonment at home, and constrained employment abroad? it is no less then a temporal Banishment, neither is it for his Majesties service to constrain his Subjects to employment abroad: Honor and Reward invites them rather to seek it, but to be compelled, stands not with our Liberty.

Sir Jo. Elliot.

D These Debates, as to confinement, produced this resolution, That no Freeman ought to be confined by any command from the King, or Privy Council, or any other, unless it be by Act of Parliament, or by other due course or warrant of Law.

As for the matter of supply, the Debate was put off till Friday following.

E **T**hursday, 3 of April,  
Mr. Secretary Cook brought the House this Message  
from the King.

F **H**isMajesty having understood that some rumors were spread abroad of a sharp Message yesterday delivered by me, and of some malicious words, that the Duke should speak yeasterday at the Council-Board, he commanded me to tell you of the malice of those false reports, for that nothing fell from the Duke or that Board, but what was for the good of this Assembly: He would have you observe the malice of those spirits that thus put in these Jealousies: Had the Duke so spoken, he should have contradicted himself, for all of us at the Council can tell, he was

The King sends a Message to the House by Secretary Cook, touching some words said to be spoken by the Duke.

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An. 1628.

the first mover and persuader of this Assembly of Parliament to the King, Esteem of the King according to his actions, and not these tales; His Majesty takes notice of our purpose, that on Friday we will resolve upon Supply, which his Majesty graciously accepts of and that our free gift without any condition should testify to the world, that we will be as far from incroaching upon his Prerogative, as he will be to incroach upon our Liberties: and this shall well appear, when we present our Grievances to him, and then we shall know that he hath no intention to violate our Liberties, only let us not present them with any asperity of words; he counts it his greatest glory to be a King of Freemen, not of Villains: He thought to have delivered this Message himself, but that he feared it would take us too much time.

Then he added a word of his own, 'Yesterday after dinner we attended his Majesty, and he asked us what we had done: We said we had entered into the consideration of Supply, and that the final resolution was deferred till Friday; and that this was done for just reasons, to joyn the business of his Majesties and our Countries together, and this would further his Majesty, and it would give content to the Country, and that this union here might be spread abroad in the World. His Majesty answered, For Gods sake, why should any hinder them in their Liberties? if they did it not, I should think they dealt not faithfully with me. You may see a true Character of his Majesties disposition: let us proceed with courage, and rest assured his Majestie will give great ear unto us, and let us all joyn to make a perfect union to win the Kings heart; we shall find a gracious answer from the King, and a hearty co-operation from those that you think to be averse to us.'

Debates on the Message.

**U**pon the delivery of this Message some stood up, and professed they never heard of any such sharp Message or words the day before, or that any was so bold as to interpose himself: They acknowledged his Majesty had put a threefold Obligation on them; First, in giving them satisfaction; Secondly in giving them assurance (which is a great Law) that he will protect and relieve them; Thirdly, in giving them advice as may befit the Gravity of that Assembly and his own Honor: So they concluded to carry themselves as their Progenitors before had done, who never were marked for stepping too far on the Kings Prerogative, and they returned their humble thanks to his Majesty.

Friday 4 April  
Secretary Cook  
brings another  
Message from  
the King.

**T**he day following Mr. Secretary Cook delivered another Message from the King, *viz.* 'His Majesty hath again commanded me to put you in mind how the eyes and interest of the Christian world, are cast upon the good or evil success of this Assembly: He also graciously taketh notice of that which is in agitation amongst us, touching the freedom of our Persons, and propriety of our Goods; and that this particular care (which he no way misliketh) may not retard our resolution for the general good, he willeth us cheerfully to proceed in both, and to express our readiness to supply his great occasions, upon assurance that we shall enjoy our Rights and Liberties, with as much freedom and security in his time as in any age heretofore under the best of our Kings? and whether you shall think fit to secure our selves herein, by way of Bill or otherwise so as it be provided for with due respect of his Honor and the publique good, whereof he doubted not but that you will be careful, he promiseth and assureth you that he will give way unto it; and the more confidence

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‘dence you shall shew in his grace and goodness, the more you shall prevail to obtain your desires.

*Upon this occasion Mr. Pym spake.*

A **T**HAT in business of weight, dispatch is better than discourse; We came not hither without all motives that can be towards his Majesty, had he never sent in this Message; We know the danger of our Enemies, we must give Expedition to Expedition; let us forbear particulars. A man in a journey is hindred by asking too many questions: I do believe our peril is as great as may be, every man complains of it, that doth incourage the Enemy: our way is to take that that took away our Estates, that is, the Enemy; to give speedily is that that the King calls for: A word spoken in season, is like an Apple of Silver; and actions are more precious than words. Let us hasten our Resolutions to supply his Majesty. And after some debate, they came to this unanimous Resolve, That Five Subsidies be given to his Majesty; and Mr. Secretary Cook was appointed to acquaint his Majesty with the Resolution of the House.

Mr. Pym.

Five Subsidies resolved on.

*Monday the 7 of April.*

C **M**R. Secretary Cook reported to the House the Kings acceptance of the Subsidies, and how his Majesty was pleased to ask, by how many voices they were gained? I said, But by one. His Majesty asked, How many were against him? I said, None; for they were voted by one voice, and one general consent. His Majesty was much affected therewith, and called the Lords in Council, and there I gave them an account what had passed; besides, it gave his Majesty no small content, that although Five Subsidies be inferior to his wants, yet it is the greatest gift that ever was given in Parliament; and now he sees with this he shall have the affections of his People, which will be greater to him than all value. He said, He liked Parliaments at the first, but since (he knew not how) he was grown to a distaste of them; but was now where he was before, he loves them, and shall rejoice to meet with his People often.

Mr. Secretary Cook reports the Kings acceptance of Five Subsidies.

E **U**pon the giving of the Five Subsidies, the Duke of Bucks made this Speech at the Council-Table, and Mr. Secretary at that time acquainted the House therewith. The Speech was this.

F **S**IR, methinks I behold you a great King, for love is greater than Majesty; Opinion that the people loved you not, had almost lost you in the opinion of the world; but this day makes you appear as you are, a glorious King, loved at home, and now to be feared abroad; this falling out so happily, give me leave, I beseech you, to be an humble suiter to your Majesty; 1. for my self, that I who have had the honour to be your Favorite, may now give up that Title unto them, they to be your Favorites, and I to be your Servant. My second suit is, That they having done also well, you will account of them as one; a Body of many Members, but all of one heart: opinion might have made them differ, but affection did move

The Duke of Buckingham's Speech at the Council-Table thereupon.

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them all to joyn with like love in this great gift ; for proportion, al-  
 though it be less than your occasions may ask, yet it is more than ever  
 Subjects did give in so short a time ; nor am I perswaded it will rest there,  
 for this is but as an earnest of their affections, to let you see, and the  
 world know, what Subjects you have, that when the honour, & the good  
 of the State is engaged, and Aid asked in the ordinary way of Parliament,  
 you cannot want : This is not the gift of Five Subsidies alone, but the  
 opening of a Mine of Subsidies that lieth in their hearts. This good be-  
 ginning hath wrought already these effects, they have taken your heart,  
 drawn from you a Declaration that you will love Parliaments. And  
 again, this will meet (I make no question) with such respect, that their  
 demands will be just, dutiful, and moderate ; for they that know thus to  
 give, know well what is fit to ask. Then cannot your Majesty do less  
 than out-go their demands, or else you do less than your self or them ;  
 for your Meslage begot trust, their truth and your promises must then  
 beget performances. This being done, then shall I, with a glad heart, be-  
 hold this work as well ended as now begun, and then shall I hope, that  
 Parliaments shall be made hereafter so frequent, by the effects and good  
 use of them, as they shall have this further benefit, to deter from ap-  
 proaching your ears those projectors and inducers of innovation, as di-  
 sturbers both of Church and Common-wealth. Now, Sir, to open my  
 heart, and to ease my grief, please you to pardon me a word more ; I  
 must confess I have long lived in pain, sleep hath given me no rest, Fa-  
 vours and Fortunes no content, such have been my secret sorrows, to  
 be thought the man of separation, and that divided the King from his  
 People, and them from him ; but I hope it shall appear, they were  
 some mistaken minds, that would have made me the evil Spirit that  
 walketh between a good Master and loyal People, by ill Offices ; where-  
 as, by your Majesties favour, I shall ever endeavour to approve my self  
 a good Spirit, breathing nothing but the best of Services to them all.  
 Therefore this day I account more blessed to me than my birth, to see  
 my self able to serve them, to see you brought in love with Parlia-  
 ments, to see a Parliament express such love to you ; and God so love  
 me and mine, as I joy to see this day.

**M**R. Secretary Cook also at this time repeated the substance of the Kings Answer to the Petition concerning Recusants. And after he had done, Sir John Elliot expressed the great satisfaction which he apprehended, the House in general, and himself in special, had received touching each particular of his Majesties gracious Answer ; but shewed his dislike, that Mr. Secretary, in the close of his Relation, made mention of another in addition to his Majesty, which formerly had been a matter of complaint in the House, the mixture with his Majesty, not only in the business, but in his name. ‘ Is it ( said he ) that any man conceives the mention of others (of what quality soever) can add encouragement or affection to us in our duties and loyalties towards his Majesty, or give them greater latitude or extent, than naturally they have ? Or is it supposed, that the power or interest of any man can add more readiness to his Majesty, in his gracious inclination to us, than his own goodness gives him ? I cannot believe it. And as the sweetness and piety of his Majesty, which we have in admiration, makes me confident in this, so the expressions of our duty so perspicuous and clear, as already hath been given, is my assurance for the other.

‘ But,

It is ill taken  
by Sir John  
Elliot, that the  
Duke's name  
was intermin-  
gled with the  
King's by Se-  
cretary Cook.

A     ' But, Sir, I am sorry there is this occasion, that these things should be  
     ' argued, or this mixture which was formerly condemned, should appear  
     ' again : I beseech you, Sir, let it not be hereafter ; let no man take this  
     ' boldnes within these Walls to introduce it, though, I confess, for my  
     ' particular, I shall readily commend, nay, thank that man, whose en-  
     ' deavours are applied in such Offices, as may be advantageable for the  
     ' publick : Yet in this matter, so contrary to the Custom of our Fathers,  
     ' and the honour of our Times, I cannot without scandal apprehend it,  
     ' nor without some Characters or Exception pass it by, that such interpo-  
     ' sition for the future may be left.

B     ' Now let us proceed, said he, to those services that concern his Maj-  
     ' esty and the Subject, which (I doubt not) in the end will render us so real  
     ' unto him, that we shall not need more help to endear us to his favour.

B     The Commons having expressed their dutiful affections towards his  
     Majesty, in giving him so large a Gift as Five Subsidies, and having also  
     shewed their care of the Subjects in the liberty of their Person, and pro-  
     priety in their Goods, did now prepare to transmit their Resolves to the  
     Lords for their concurrence ; and several Members were appointed to  
     manage a Conference with the Lords concerning the same. We shall  
     briefly touch some passages concerning that Conference, as to the Rati-  
     onal and Historical part thereof, omitting to mention Precedents and  
     Book-Cases, lest they should prove tedious to the Reader.

C     Sir Dudley Diggs began with this Introduction : ' I am commanded to  
     ' shew unto your Lordships in general, that the Laws of England are  
     ' grounded on Reason, more ancient than Books, consisting much in un-  
     ' written Customs, yet so full of Justice and true Equity, that your most  
     ' honourable Predecessors and Ancestors propugned them with a *Nolu-*  
     ' *mus mutari* ; and so ancient, that from the Saxon days, notwithstanding  
     ' the injuries and ruines of time, they have continued in most part the  
     ' same, as may appear in old remaining Monuments of the Laws of Ethel-  
     ' bert, the first Christian King of Kent, Ina the King of the West Saxons,  
     ' Offa of the Mercians, and of Alfred the great Monarch, who united the  
     ' Saxon Heptarchy, whose Laws are yet to be seen published, as some think,  
     ' by Parliament, as he says to that end, *Ut qui sub uno Rege, sub una Lege*  
     ' *regerentur*. And though the Book of Litchfield, speaking of the times of  
     ' the Danes, says, then *fus sopitum erat in regno, leges & conjecturales so-*  
     ' *pita sunt* ; and, *Prava voluntas, vis & violentia magis regnabant quam*  
     ' *Judicia vel Justicia* : Yet, by the blessing of God, a good King Edward,  
     ' commonly called S. Edward, did awaken those Laws, and as the old  
     ' words are, *Excitatatis reparavit, reparatas decoravit, decoratas confirmavit* ;  
     ' which *confirmavit* shews, that good King Edward did not give those  
     ' Laws which William the Conqueror, and all his Successors, since that  
     ' time, have sworn unto.

D     ' And here, my Lords, by many Cases frequent in our modern Laws,  
     ' strongly concurring with those of the ancient Saxon Kings, I might, if  
     ' time were not more precious, demonstrate, that our Laws and Customs  
     ' were the same.

E     F     ' I will only intreat your Lordships leave to tell you, That as we have  
     ' now, even in those Saxon times, they had their Court Barons, and Court  
     ' Leets, and Sheriffs Courts, by which, as Tacitus says of the Germans,  
     ' their Ancestors, *jura rediebant per pagos & vicos*; and I do believe, as we  
     ' have now, they had their Parliaments, where new Laws were made,

Sir Dudley  
Diggs begins  
the Conference  
by way of In-  
troduction.

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cum consensu Prelatorum, Magnatum & totius Communitatis, or as another writes, Cum consilio Prelatorum, Nobilium & sapientium Laicorum ; I will add nothing out of Glanvile, that wrote in the time of Hen.2. or Bracton, that writ in the days of Hen.3. only give me leave to cite that of Forescue, the learned Chancellor to Hen.6. who writing of this Kingdom, says, Regnum istud moribus nationum & regum temporibus, eisdem quibus nunc regitur legibus & consuetudinibus regebatur. But, my good Lords, as the Poet said of Fame, I may say of our Common Law,

*Ingrediturque solo, caput inter nubila condit.*

Wherefore the cloudy part being mine, I will make haste to open way for your Lordships, to hear more certain Arguments, and such as go on more sure grounds.

Be pleas'd then to know, that it is an undoubted and fundamental Point of this so ancient Common Law of England, That the Subject hath a true property in his Goods and Possessions, which doth preserve as sacred, that *meum & tuum*, that is the Nurse of Industry, & Mother of Courage, and without which, there can be no Justice, of which, *meum & tuum* is the proper object. But the undoubted Birthright of true Subjects hath lately not a little been invaded and prejudiced by pressures ; the more grievous, because they have been pursued by Imprisonment, contrary to the Franchises of this Land : and when according to the Laws and Statutes of this Realm, redress hath been sought for in a legal way, by demanding *Habeas Corpus* from the Judges, and a discharge by trial according to the Law of the Land, success hath failed ; that now enforceth the Commons in this present Parliament assembled, to examine, by Acts of Parliament, Precedents and Reasons, the truth of the English Subjects liberty, which I shall leave to a learned Gentleman to argue.

Mr. Littleton.

**N**ext after Sir Dudley Diggs, spake Mr. Ed. Littleton of the Inner-Temple, That their Lordships have heard, that the Commons have taken into consideration the matter of personal Liberty, and after long debate thereof, they have, upon a full search, and clear understanding of all things pertinent to the question, unanimously declared, That no Freeman ought to be committed or restrained in prison by the command of the King or Privy-Council, or any other, unless some cause of the commitment, detainer, or restraint be expressed, for which by Law he ought to be committed, detained, or restrained : And they have sent me, with other of their Members, to represent unto your Lordships the true grounds of their resolution, and have charg'd me particularly, leaving the reasons of Law and Precedents for others, to give your Lordships satisfaction, that this Liberty is established and confirmed by the whole State, the King, the Lords Spiritual and Temporal, and Commons, by several Acts of Parliament, the Authority whereof is so great, that it can receive no Answer, save by Interpretation or Repeal by future Statutes. And these I shall mind your Lordships of, are so direct in the point, that they can bear no other exposition at all ; and sure I am, they are still in force : The first of them is the grand Charter of the Liberties of England, first granted in the 17th year of King John, & renewed in the 19th year of Hen.3. and since confirmed in Parliament above 30 times ; the words there are, chap. 29. *Nullus liber homo capiatur, vel imprisonetur, aut disseciatur de libero tenemento suo vel liberis consuetudinibus suis, aut utlagetur, aut exuletur,*

‘ exuletur, aut aliquo modo destrnatur, nec super eum ibimus, nec eum mittimus, nisi per legale judicium Parium suorum, vel per legem terre.

A He then proceeded to open, and argued learnedly upon the several particulars in the last recited Clause of *Magna Charta*; and further shewed,  
‘ That no invasion was made upon this personal Liberty, till the time of  
‘ King Ed. 3. which was soon resented by the Subject, for in the 5 Ed. 3.  
‘ chap. 9. it is enacted, That no man from henceforth shall be attached on  
‘ any occasion, nor fore-judged of Life or Limb, nor his Lands, Tene-  
‘ ments, Goods, nor Chattels, seised into the Kings hands, against the  
‘ Form of the Great Charter, and the Law of the Land. And 25 Ed. 3.  
‘ chap. 4. it is more full, and doth expound the words of the Grand Char-  
‘ ter, which is thus; Whereas it is contained in the Grand Charter of the  
‘ Franchises of *England*, that none shall be imprisoned, nor put out of his  
‘ Free-hold, nor Free-custom, unless it be by the Law of the Land, it is  
‘ awarded, assented, and established, That from henceforth none shall be  
B taken by Petition or Suggestion made to our Lord the King, or to his  
‘ Council, unless it be by Indictment or Presentment of his Good and law-  
‘ ful People of the same Neighbourhood: which such Deed shall be done  
‘ in due manner, or by Proces made by Writ original at the Common  
‘ Law; nor that none be outed of his Franchises, Office, nor Free-hold,  
‘ unless it be duly brought in Answer, and fore-judged of the same, by  
‘ the course of the Law, and that if any thing be done against the same, it  
‘ shall be redressed and holden for none. And 28 Ed. 3. chap. 3. it is more  
C direct, this liberty being followed with fresh Suit by the Subject,  
‘ where the words are not many, but very full and significant, That no  
‘ man, of what state and condition he be, shall be put out of his Lands  
‘ nor Tenements, nor taken, nor imprisoned, nor disinherited, nor put  
‘ to death, without it be brought in Answer by due proces of the Law.  
Several other Statutes were cited by him, in confirmation of this point of  
the Liberty of the Subject.

D The Kings Council afterward made Objections to the said Argument, yet acknowledged, ‘ That the seven Statutes urged by the House of Com-  
‘ mons, are in force; yet said, That some of them are in general words,  
‘ and therefore conclude nothing, but are to be expounded by Prece-  
‘ dents, and some of them are applied to the suggestion of Subjects, and  
‘ not to the Kings command simply of its self; and that *per legem terre*  
‘ in *Magna Charta*, cannot be understood for proces of Law, and origi-  
‘ nal Writs; for that in Criminal proceedings, no original Writ is usual at  
‘ all, but every Constable, either for Felony, or breach of the Peace, or to  
E prevent the breach of the Peace, may commit without Proces or origi-  
‘ nal Writ; it were very hard the King should not have the power of a  
‘ Constable. They also argued, That the King was not bound to express  
‘ the cause of Imprisonment, because there may be in it matter of State,  
‘ not fit to be reveal'd for a time, lest the Confederates thereupon make  
‘ means to escape the hands of Justice. Besides, that which the Commons  
‘ do say, That the Party ought to be delivered or bailed, it is a contra-  
‘ diction in its self; for Bailing doth signifie a kind of imprisonment  
‘ still, Delivery is a total freeing: And besides, Bailing is a grace or fa-  
F vour of a Justice, and they may refuse to do it.

To this it was replied, ‘ That the Statutes were direct in point, and  
‘ though some of them speak of suggestions of the Subjects, yet they are  
‘ in equal reason a commitment by command of the King, as when the  
‘ King taketh notice of a thing himself. And for the words, *per legem terre*,

‘ original

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original Writs only are not intended, but all other legal Process, which comprehendeth the whole proceedings of the Law upon cause other than trial by Jury, and the course of the Law is rendered by due process of the Law, and no man ought to be imprisoned by special command without Indictment, or other due process to be made by the Law. And whereas it is said, there might be danger in revealing the Cause, that may be avoided, by declaring a general Cause, as for Treason, suspicion of Treason, misprision of Treason, Felony, without expressing the particulars, which can give no greater light to a Confederate, than will be conceived upon the very apprehension upon the imprisonment, if nothing at all were expressed.

And as for the bailing of the Party committed, it hath ever been the discretion of the Judges, to give so much respect to a Commitment, by the command of the King or Privy-Council, which are ever intended to be done in just and weighty Cases, that they will not suddenly set them free, but bail them to answer what shall be objected against them, on the Kings behalf; but if any other inferiour Officer do commit a man without shewing cause, they do instantly deliver him, as having no cause to expect their leisure; so that delivery is applied to the imprisoned, by command of some mean Minister of Justice: Bailing, when it is done by command of the King, or his Council; and though Bailing is a grace and favour of the Court, in case of Felony and other crimes, for that there is another way to discharge them in convenient time by their trial; but where no cause of imprisonment is returned, but the command of the King, there is no way to deliver such persons by trial or otherwise, but that of the *Habeas Corpus*; and if they should be then remanded, they might be perpetually imprisoned without any remedy at all, and consequently a man that had committed no offence, might be in a worse case than a greater offender; for the latter should have an ordinary trial to discharge him, the other should never be delivered.

Mr. Selden.

**M**r. Selden of the Inner-Temple argued next, first making this Introduction. Your Lordships have heard from the Gentleman that last spake, a great part of the grounds upon which the House of Commons, upon mature deliberation, proceeded to that clear resolution touching the right of the liberty of their persons: The many Acts of Parliament, which are the written Laws of the Land, and are expressly in the point, have been read and opened, and such Objections as have been by some made unto them, and Objections also made out of another Act of Parliament, have been cleared and answered: It may seem now perhaps (my Lords) that little remains needful to be further added, for the enforcement and maintenance of so fundamental and established a Right and Liberty belonging to every Free-man of the Kingdom.

The House of Commons taking into consideration, that in this question being of so high a nature, that never any exceeded it in any Court of Justice whatsoever, all the several ways of just examination of the Truth should be used, have also most carefully informed themselves of all former Judgments or Precedents concerning this great point either way; and have been no less careful of the due preservation of his Majesties just Prerogative, than of their own Rights. The Precedents here are of two kinds, either meerly matter of Record, or else the former resolutions of the Judges, after solemn debate in the Point.

This point that concerns Precedents, the House of Commons have command-

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' commanded me to present to your Lordships, which I shall as briefly as  
' I may, so I do it faithfully and perspicuously: to that end, my Lords, be-  
' fore I come to the particulars of any of those Precedents, I shall first re-  
' member to your Lordships, that which will seem as a general Key for  
' the opening and true apprehension of all them of Record; without  
' which Key, no man, unless he be vers'd in the Entries and course of the  
' Kings Bench, can possibly understand.

A ' In all Cases, my Lords, where any Right or Liberty belongs to the  
' Subjects by any positive Law, written or unwritten, if there were not  
' also a Remedy by Law, for enjoying or regaining of this Right or Li-  
' berty, when it is violated, or taken from him, the positive Law were  
' most vain, and to no purpose; and it were to no purpose for any man  
' to have any right in any Land or other Inheritance, if there were not  
' a known Remedy; that is, an Action or Writ, by which, in some Court  
' of ordinary Justice, he might recover it. And in this Case of Right of  
B ' Liberty of Person, if there were not a Remedy in the Law for regain-  
' ing it when it is restrain'd, it were of no purpose to speak of Laws that  
' ordain it should not be restrained.

C ' The Writ of *Habeas Corpus*, or *Corpus cum causa*, is the highest Remedy  
' in Law for any man that is imprisoned, and the only Remedy for him that  
' is imprisoned by the special command of the King, or the Lords of the  
' Privy Council, without shewing cause of the Commitment; and if any  
' man be so imprisoned by any such Command, or otherwise whatsoever  
' through England, and desire, by himself, or any other in his behalf, this  
' Writ of *Hab. Corp.* for the purpose in the Court of Kings Bench, that  
' Writ is to be granted to him, and ought not to be denied, and is directed  
' to the Keeper of the Prison, in whose custody the Prisoner remains,  
' commanding him, That after a certain day he bring in the Body of the  
' Prisoner, *cum causa detentionis*, and sometimes *cum causa captionis*; and he,  
' with his Return, filed to the Writ, bringeth the Prisoner to the Bar at the  
' time appointed, and the Court judgeth of the sufficiency or insufficiency  
D ' of the Return; and if they find him bailable, *committitur Marescallus*, the  
' proper Prison belonging to the Court; and then afterward, *traditur in  
ball*. But if upon the return of the *Hab. Corp.* it appear to the Court, that  
' the Prisoner ought not to be bailed, nor discharged from the Prison  
' whence he is brought, then he is remanded and sent back again, to con-  
' tinue, till by due course of Law he may be delivered; and the entry of  
' this is, *Remittitur quousque secundum legem deliberatus fuerit*; or, *Remit-  
titur quousque, &c.* which is all one, and the highest award of Judgment  
E ' that ever was or can be given upon a *Habeas Corpus*.

F ' Your Lordships have heard the resolution of the House of Commons,  
' touching the enlargement of a man committed by the command of the  
' King, or the Privy-Council, or any other, without cause shewed of such  
' commitment; which resolution, as it is grounded upon Acts of Parlia-  
' ment already shewn (the reason of the Law of the Land being com-  
' mitted to the charge of another to open unto you) so it is strengthned  
' by many Precedents of Records. He then produced twelve Precedents,  
full and directly in the point, to prove that persons so committed, ought  
to be delivered upon Bail, which were distinctly opened and read to  
their Lordships; then he also offered to their consideration other kind  
of Precedents, which were solemn resolutions of Judges, things not of  
Record, but yet remain in Authentick Copies; which Precedents and  
Authorities we omit for the length thereof.

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He then proceeded, and said, ‘ The House of Commons desiring with all care to inform themselves fully of the truth of the resolution of the Judges in the 34 year of the Queen, cited in this Case of Sir John Hveningham, by the Kings Council, as arguments against his not being bailed, have got into their hands a Book of Select Cases, collected by the Reverend and Learned Judge, Chief Justice Anderson, all written with his own hand ; which he caused to be read, being the same which hath been already mentioned in the Collections of this Parliament ; which Precedents, saith he, do fully resolve enough for the maintenance of the ancient and fundamental point of Liberty of the Person, to be regained by *Hab. Corp:* when any is imprisoned.

Then he concluded, That having thus gone through the Charge committed to him by the House of Commons, he should now, as he had leave and direction given him, lest their Lordships should be put to much trouble and expence of time, in finding and getting Copies at large of those things which he had cited, offer also to their Lordships Authentick Copies of them all, and so left them, and whatsoever else he had said, to their Lordships further consideration.

Sir Edward  
Cook.

**L**ast of all, Sir Edward Cook took up the Argument, as to the Rational part of the Law, and began with this Introduction ; ‘ Your Lordships have heard seven Acts of Parliament in point, and Thirty one Precedents summarily collected, and with great understanding delivered, which I have perused, and understand them all thoroughly ; Twelve of the Precedents are *in terminis terminantibus*, a whole Jury of Precedents, and all in the point : I am much transported with joy, because of the hope of good success in this weighty business, your Lordships being so full of Justice, and the very Theme and Subject doth promise success, which was, *Corpus cum causa*, the freedom of an English man, not to be imprisoned without cause shewn, which is my part to shew, and the reason and the cause why it should be so, wherein I will not be prolix nor copious ; for to gild Gold were idle and superfluous. And after he had cleared some doubts made of the Statute of Westminster, which saith, That the Sheriffs and others, in some cases, may not replevin men in Prison; he proceeded further and said, ‘ That all those Arguments offered unto your Lordships in this last Conference, are of a double nature. 1. Acts of Parliament. 2. Judicial Precedents. For the first, I hold it a proper Argument for your Lordships, because you my Lords Temporal, and you my Lords Spiritual, gave your assent unto those Acts of Parliament ; and therefore if these cannot perswade you, nothing can. For the second, which are Judicial Precedents, it is *Argumentum ab Authoritate*, and *Argumentum ab authoritate valet affirmative* ; that is, I conceive, though it be no good argument to say negatively, the Judges have no opinion in the point. 3. It is good Law, which I fortifie with a strong Axiom, *Neminem oportet sapientiorem esse legibus*. Now these two Arguments being so well pressed to your Lordships by my Colleagues, I think your Lordships may wonder what my part may be ; it is short, but sweet ; it is the Reason of all those Laws and Precedents, and Reason must needs be welcome to all men ; for all men are not capable of the understanding of the Law, but every man is capable of Reason ; and those Reasons I offer to your Lordships, in affirmation of the ancient Laws and Precedents made for the Liberty of the Subject, against Imprisonment without cause expressed.

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4. Caroli.

- ‘ 1. *A re ipsa.*
- ‘ 2. *A minori ad maius.*
- ‘ 3. From the remedies provided.
- ‘ 4. From the extent and universality of the same.
- ‘ 5. From the infiniteness of the time.
- ‘ 6. *A Fine.*

A ‘ The first general Reason is, *a re ipsa*, even from the nature of imprisonment, *ex visi scribus cause*, for I will speak nothing but *ad idem*, be it close or other imprisonment; and this Argument is threefold, because an-imprisoned man upon will and pleasure is,

- ‘ 1. A Bond-man.
- ‘ 2. Worse than a Bond-man.
- ‘ 3. Not so much as a Man; for *mortuus homo non est homo*, a Prisoner is a dead man.

B ‘ 1. No man can be imprisoned upon will and pleasure of any, but he that is a Bond-man and Villain, for that imprisonment and bondage are *Propria quarto modo* to Villains; now *propria quarto modo*, and the species, are convertible; whosoever is a Bond-man, may be imprisoned upon will and pleasure; and whosoever may be imprisoned upon will and pleasure, is a Bond-man.

C ‘ 2. If Free-men of *England* might be imprisoned at the will and pleasure of the King or his Commandment, then were they in worse case than Bond-men or Villains; for the Lord of a Villain cannot command another to imprison his Villain without cause, as of disobedience, or refusing to serve, as it is agreed in the Year-books. And here he said, that no man should reprehend any thing that he said out of the Books or Records; he said, he would prove a Free-man imprisonable upon command or pleasure, without cause expressed, to be absolutely in worse case than a Villain; and if he did not make this plain, he desired their Lordships not to believe him in any thing else; and then produced two Book-cases,

D 7 E.3. fol. 50. in the new print, 348 old print. ‘ A Prior had commanded one to imprison his Villain, the Judges were ready to bail him, till the Prior gave his reason, that he refused to be Bailiff of his Mannor, and that satisfied the Judges. 2d. Case, 33 Ed.3. title *Tresp. 253.* in *Faux imprisonment*, it was of an Abbot, who commanded one to take and detain his Villain, but demanded his cause; he gives it, because he refused, being thereunto required, to drive his Cattle. Ergo, Free-men imprisoned without cause shewn, are in worse case than Villains, that must have a cause shewn them why they are imprisoned.

E ‘ 3. A Free-man imprisoned without cause, is so far from being a Bond-man, that he is not so much as a man, but is indeed a dead man, and so no man: Imprisonment is in Law a civil death, *perdit domum, familiam, vicinos, patriam*, and is to live amongst wretched and wicked men, malefactors, and the like. And that death and imprisonment was the same, he proved by an Argument *ab effectis*, because they both produce the like immediate effects; he quoted a Book for this: If a man be threatned to be killed, he may avoid Feoffment of Lands, Gifts of Goods, &c. so it is if he be threatned to be imprisoned; the one is an actual, the other is a civil death. And this is the first general Argument, drawn *a re ipsa*, from the nature of imprisonment, to which *res ipsa consilium dedit*.

The second general Reason he took also from his Books, for he said he hath no Law, but what by great pains and industry he learnt at his Book, for at ten years of age he had no more Law than other men of like age; and

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this second reason is, *a minori ad majus*; he takes it from *Bracton*, *minima pena corporalis, est major qualibet pecuniaria*.

' But the King himself cannot impose a Fine upon any man, but it must be done judicially by his Judges, *per Justitiarios in Curia, non per Regem in Camera*; and so it hath been resolved by all the Judges of *England*: he quoted 3 R.2. f. 11.

' The third general Reason is taken from the number and diversity of remedies, which the Laws give against Imprisonment, *viz.*

' *Breve de homine replegiando.*

' *De odio & atia.*      ' *De Habeas Corpus.*

' An Appeal of Imprisoment.

' *Breve de manucaptione.*

' The latter two of these are antiquated, but the Writ, *De odio & atia*, is revived, for that was given by the Statute of *Magna Charta*, c. 26. and therefore though it were repealed by Statute of 42 E. 3. by which it is provided, that all Statutes made against *Magna Charta* are void; now the Law would never have given so many remedies, if the Free-men of *England* might have been imprisoned at free will and pleasure.

' The fourth general Reason is from the extent and universality of the pretended power to imprison; for it should extend not only to the Commons of this Realm, and their Posterities, but to the Nobles of the Land, and their Progenies, to the Bishops and Clergy of the Realm, and their Successors. And he gave a cause why the Commons came to their Lordships, *Commune periculum commune requirit auxilium*. Nay, it reacheth to all persons, of what condition, or sex, or age soever; to all Judges and Officers, whose attendance is necessary, &c. without exception, and therefore an imprisonment of such an extent, without reason, is against reason.

' The fifth general Reason is drawn from the indefiniteness of time, the pretended power being limited to no time, it may be perpetual during life; and this is very hard: to cast an old man into prison, nay, to close prison, and no time allotted for his coming forth, is a hard case, as any man could think that had been so used. And here he held it an unreasonable thing, that a Man had a remedy for his Horse or Cattle, if detained, and none for his Body thus indefinitely imprisoned; for a Prison without a prefixed time, is a kind of Hell.

' The sixth and last Argument is a *Fine*; and *sapiens incipit a Fine*, and he wisht he had begun there also; and this Argument he made threefold.

*Ab honesto.* This being less honorable.

*Ab utili.* This being less profitable.

*A tuto.* This Imprisonment by will and pleasure, being very dangerous for the King and Kingdom.

' 1. *Ab honesto.* It would be no honour to a King or Kingdom, to be a King of Bond-men or Slaves, the end of this would be both *Dedecus & damnum*, both to King and Kingdom, that in former times hath been so renowned.

' 2. *Ab utili.* It would be against the profit of the King and Kingdom, for the execution of those Laws before remembred, *Magna Charta*, 5 Ed. 3. 25 Edw. 3. 28 Edw. 3. whereby the King was inhibited to imprison upon pleasure: You see (quoth he) that this was *vetus querela*, an old question, and now brought in again, after seven Acts of Parliament; I say, the execution of all these laws are adjudg'd in Parliament to befor the common profit of the King and People; and he quoted the Roll, this pretended power

" power being against the profit of the King, can be no part of his Prerogative.

" He was pleased to call this a binding-reason, and to say, that the wit of man could not answer it; that great men kept this Roll from being printed, but that it was equivalent in force to the printed Rolls.

" 3. A Reason *a tuto*. It is dangerous to the King for two respects; first, of loss; secondly, of destroying the endeavours of men. First, if he be

A committed without the expression of the cause, though he escape, albeit in truth it were for Treason or Felony, yet this escape is neither Felony nor Treason; but if the cause be expressed for suspicion of Treason or Felony, then the escape, though it be innocent, is Treason or Felony. He quoted a Case in print like a Reason of the Law, not like *Remittitur* at the rising of the Court, for the Prisoner, *traditur in Ballium quod breve Regis non fuit sufficiens causa*. The King's Command. He quoted another famous Case, Commons in Parliament incensed against the

B Duke of Suffolk, desire he should be committed: The Lords and all the Judges, whereof those great Worthies, *Prescot* and *Fortescue*, were two, delivered a flat opinion, That he ought not to be committed without an especial cause. He questioned also the name and etymology of the Writ in question, *Corpus cum causa*; Ergo, The Cause must be brought before the Judge, else how can he take notice hereof?

C Lastly, he preised a place in the Gospel, *Act 25. last verse*, which *Festus* conceives is an absurd and unreasonable thing, to send a Prisoner to a Roman Emperor, and not to write along with him the cause alledged against him: Send therefore no man a Prisoner, without his Causes along with him, *hoc fac & vives*. And that was the first reason, *a tuto*, that it was not safe for the King in regard of Loss, to commit men without a Cause.

D The second Reason is, That such Commitments will destroy the endeavors of all men; who will endeavor to employ himself in any Profession, either of War, Merchandise, or of any Liberal Knowledge, if he be but Tenant at Will of his Liberty? For no Tenant at Will will support or improve any thing, because he hath no certain Estate; Ergo, to make men Tenants at Will of their Liberties, destroys all industry and endeavors whatsoever. And so much for these six principal Reasons:

*Are ipsa.*

*A minore ad majus.*

*A remediis.*

From the extent and universality.

From the infiniteness of the time.

*A fine.*

Honour.

Profit.

Security.

Industry.

*These were his Reasons.*

F Here he made another Protestation, " That if remedy had been given in this Case, they would not have medled therewith by no means; but now that remedy being not obtain'd in the Kings Bench, without looking back upon any thing that hath been done or omitted, they desire some provision for the future only. And here he took occasion to add four Book Cases and Authorities, all in the point, saying, That if the Learned Council on the other side could produce but one against the Liberties, so pat and pertinent, Oh! how they could hug and cull it. 16 H.6. tit. *monstrans de fait* 82. by the whole Court, the King in his presence cannot command a man to be arrested, but an action of false imprisonment lieth against him that arresteth: If not the King in his Royal Presence, then none others can do it. *Non sic* " *itur*

An. 1628.

"itur ad astra. i H.7.4. Hussey reports the opinion of *Markham*, Chief Justice to Edw.4. that he could not imprison by word of mouth; and "the reason, because the Party hath no remedy; for the Law leaves every man a remedy of causless imprisonment: He added, that *Markham* was a worthy Judge, though he fell into adversities at last by the "Lord Rivers his means. *Fortescue*, chap.8. *Proprio ore nullus Regum usus est*, to imprison any man, &c. 4 Eliz. Times blessed and renowned for Justice and Religion, in Pl. 235. the Common Law hath so admeasured the Kings Prerogative, as he cannot prejudice any man in his Inheritance; and the greatest Inheritance a man hath, is the liberty of his person, for all others are accessary to it; for thus he quoteth "the Orator, *Major hereditas venit unicuique nostrum a Jure legibus quam a parentibus.*

A

"And these are the four authorities he cited in this point: Now he propounded and answered two Objections; First, in point of State; Secondly, in the course held by the House of Commons.

B

"May not the Privy-Council commit, without cause shewed, in no matter of State where secrecy is required? Would not this be an hindrance to his Majesties Service?

C

"It can be no prejudice to the King by reason of matter of State, for the cause must be of higher or lower nature. If it be for suspicion of Treason, misprision of Treason or Felony, it may be by general words couched; if it be for any other thing of smaller nature, as contempt, and the like, the particular cause must be shewed, and no *individuum vagum*, or uncertain cause to be admitted.

D

"Again, if the Law be so clear as you make it, why needs the Declaration and Remonstrance in Parliament?

"The Subject hath in this Case sued for Remedy in the *Kings Bench* by *Habeas Corpus*, and found none; therefore it is necessary to be cleared in Parliament. And here ends his Discourse: And then he made a recapitulation of all that had been offered unto their Lordships, that generally their Lordships had been advised by the most faithful Counsellors that can be; dead men, these cannot be daunted by fear, nor muzzled by affection, reward or hope of preferment, and therefore your Lordships might safely believe them; particularly their Lordships had three several kinds of proofs.

E

"1. Acts of Parliament, Judicial Precedents, good Reasons. First, you have had many antient Acts of Parliament in the Point, besides *Magna Charta*, that is, seven Acts of Parliament, which indeed are thirty seven, *Magna Charta* being confirmed thirty times, for so often have the Kings of England given their Royal Assents thereunto.

F

"2. Judicial Precedents of grave and reverend Judges, in terminis terminantibus, that long since departed the World, and they were many in number. Precedents being twelve, and the Judges four of a Bench made four times twelve, and that is fourty eight Judges.

"3. You have, as he termed them, *vividæ rationes*, manifest and apparent Reasons: Towards the conclusion he declareth to their Lordships, That they of the House of Commons have, upon great study and serious consideration made a great manifestation unanimously, *Nullo contradicente*, concerning this great Liberty of the Subject, and have vindicated and recovered the Body of this fundamental Liberty, both of their Lordships and themselves, from shadows, which sometimes of the day are long, sometimes short, and sometimes long again; and therefore we "must

4. Caroli.

- A "must not be guided by shadows: and they have transmitted to their Lordships, not *capita rerum*, Heads or Briefs, for these compendia are *disspendia*; but the Records at large, *in terminis terminantibus*: and so he concluded, that their Lordships are involved in the same danger, and therefore *ex congruo & condigno*, they desired a Conference, to the end their Lordships might make the like Declaration as they had done; *Commune periculum, commune requirit auxilium*; and thereupon take such further course, as may secure their Lordships and them, and all their Posterity, in enjoying of their antient, undoubted, and fundamental Liberties.

The two next days were spent in the Debate about Billeting of Soldiers upon the Subject, against Law.

- B **T**hursday the 10 of April, Mr. Secretary Cook delivered this Message from the King, 'that his Majesty desired this House not to make any recess these Easter Holidays, that the World may take notice how earnest his Majesty and we are for the publick Affairs in Christendom, the which, by such a recess, would receive interruption.

H's Majesties  
Message for  
non-recess.

**T**his Message for non-recess, was not well pleasing to the House.

The Message  
not approved.

- C **S**ir Robert Philips first resented it, and took notice, 'That in 12 and 18 Jac. upon the like intimation, the House resolved it was in their power to adjourn or sit: Hereafter, said he, this may be put upon us by Princes of less Piety. Let a Committee consider herof, and of our right herein, and to make a Declaration. And accordingly this matter touching his Majesties pleasure about the recess, was referred to a Committee, and to consider the power of the House to adjourn it self; to the end, that it being now yielded unto in obedience to his Majesty, it might not turn to prejudice in time to come.

Sir Robert  
Philips.

- E **S**ir Edward Cook spoke to the same purpose, and said, 'I am as tender of the Priviledges of this House, as of my life, and they are the Heart-strings of the Common-wealth. The King makes a Prorogation, but this House adjourns it self. The Commission of Adjournment we never read, but say, This House adjourns it self. If the Kings writ to an Abbot for a Corody, for a *Vallet*, if it be *ex rogatu*, though the Abbot yeilds to it, it binds not. Therefore I desire that it be entred, that this is done *ex rogatu Regis*.

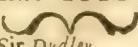
Sir Edw. Cook.

Hereupon a Message was sent to the King, That the House would give all expedition to his Majesties Service, notwithstanding their purpose of recess. To which Message, his Majesty returned this Answer, That the motion proceeded from himself, in regard of his engagement in the Affairs of Christendom, wished them all alacrity in their proceedings, and that there be no recess at all.

- F **E**riday the 11 of April, Secretary Cook moved the Expedition of Subsidies, and turning of the Votes into an Act: 'We have many Petitions to the King, said he, and they are Petitions of Right. We have freely and bountifully given five Subsidies, but no time is appointed, and Subsidy without time is no Subsidy: Let us appoint a time.

Secretary Cook  
to expedite  
Subsidies.

Sir

An. 1628.  
  
 Sir Dudley  
 Diggs.

**A** Sir Dudley Diggs quickned his motion, and spoke roundly : 'We have (said he) freely concluded our Liberties, we have offered five Subsidies, his Majesty hath given us gracious Answers, we have had good by our beginnings, What have we hitherto done for the King? Nothing is done that the King can take notice of. The world thinks that this Parliament hath not expressed that resolution that it did at the first, how much doth it concern the King, that the world be satisfied with his Honour? Our success and honour is the Kings. Princes want not those that may ingratiate themselves with them, by doing ill offices. There is a stop, and never did a Parliament propound any thing, but it hath been perfected sooner than this is. May not the King say, What have I done? they grow cold. Have I not told them, I will proceed with as much grace as ever King did? He will settle our Proprieties and Goods. Have we not had a gracious Answer? are we hand in hand for his supply? shall it be said that this day it was moved, but denied? it may put our whole business back; wherein can this disadvantage us? this binds us not; I dare say, confidently, we shall have as much as ever any Subjects had from their King.

Sir Thomas  
 Wentworth.

**B** **C** Sir Thomas Wentworth proposed a middle way, *viz.* ' That when we set down the time, we be sure the Subjects Liberties go hand in hand together ; then to resolve of the time, but not report it to the House, till we have a Ground, and a Bill for our Liberties : this is the way to come off fairly, and prevent jealousies.

Hereupon the Committee of the whole House resolved, That Grievances and Supply go hand in hand.

### Saturday 12. of April.

Mr. Secretary  
 Cook deliver-  
 eth another  
 Message con-  
 cerning Sup-  
 ply.

**D** **E** Mr. Secretary Cook delivered another Message from the King, (*viz.*) His Majesty having given timely notice to this House, as well of the pressure of the time, as of the necessity of Supply, hath long since expected some fruit of that which was so happily begun ; but finding a stop beyond all expectation after so good beginning, he hath commanded me to tell you, That without any further or unnecessary delay, he would have you to proceed in this busines ; for however he hath been willing and consenting, his affairs and ours should concur and proceed together; yet his meaning was not, that the one should give interruption to the other, nor the time to be spun out upon any pretence, upon which the common cause of Christendom doth so much depend : he bids us therefore take heed, that we force not him to make an unpleasing end of that which was so well begun.

**F** ' I will ditcharge my duty, I shall humbly desire this Honourable House not to undervalue or overstrain this Message ; if we conceive any thing in it to tend, as if his Majesty threatned to dissolve this Parliament, we are deceived ; his Majesty intends the contrary, and to put us in such a way, that our busines may have speedy success. His Majesty takes notice of a peremptory order, whereby he conceived, that his busines was excluded, at least for a time, that which doth most press his Majesty is time, believe that the affairs now in hand press his Majesties heart more than us. Let us remove delays that are more than necessary, let us awaken our selves, he intends a speedy dispatch. I must with some grief tell you, that notice

A notice is taken, as if this House pressed not upon the abuses of Power, but only upon Power it self; this toucheth the King and us, who are supported by that Power: Let the King hear of any abuses of Power, he will willingly hear us, and let us not bend our selves against the extention of his Royal Power, but contain our selves within those bounds, that we meddle only with pressures and abuses of Power, and we shall have the best satisfaction that ever King gave. I beseech you all concur this way, and use that moderation we have had the honour yet to gain.

Being moved to explain what he meant by the word [Power] which (he said) we did oppose, he answered,

' I cannot descend to particulars, or go from that his Majesty gave me warrant or Power to deliver.

This Message was very unpleasag to the House, and many debates succeeded thereupon. And

B Sir Robert Phillips said, He hoped their moderation would have given a right understanding to his Majesty of their Loyalty.

Sir Robert Phillips.

C O Thers proposed to find out a way, by Gods providence, to make this Message happy to King and People, it concerns the Kings Honour abroad, and our safety at home, that this Parliament be happy, let us prevent (say they) these mischiefs, which by frequent Mesflages thus obstruct us: let those Gentlemen near the Chair see that we have endeavoured to apply our selves to his Majesties service, notwithstanding this Message. In 12 Jac. a Message of this nature produced no good; nothing so endangers us with his Majesty, as that opinion that we are Antimonarchically affected, whereas such is, and ever hath been our Loyalty, if we were to chuse a Government, we would chuse this Monarchy of England above all Governments in the World.

D A bout two days after, Mr. Secretary Cook again did quicken the business of Supply, alledging, 'That all Negotiations of Ambassadors are at a stop while the House sits, and that this stop is as a frost upon the Earth, that hinders the sweet vapours between his Majesty and his Subjects; and that as matters stand, the Soldiers can neither be disbanded, nor put in Service.

Secretary Cook.

E T his motion comes unexpectedly, but it is fit to receive some satisfaction, the proceeding now with our Grievances shall open the stop that hinders his Majesties Affairs.

Mr. Wandesford

S Ir Humphrey May added, 'That sweetness, trust, and confidence are the only Weapons for us to deal with our King; and that coldness, enforcement, and constraint will never work our ends: If we compass all we desire, and have not his Majesties heart, what will a Law or any thing else do us good?

Sir Humphrey May.

F H ereupon it was ordered, 'That a special Committee of eight persons shall presently withdraw themselves, and consult together upon some Heads, and upon the substance of a fair representation to his Majesty, which the Speaker shall deliver in his Speech to his Majesty, on Monday next, (if the King please to give access) and at the same time to deliver the Petition against Billeting of Soldiers.

Master

A. 1628.

## Master Speakers Speech to the King on Easter-Monday.

Most Gracious and Dread Sovereign,

Mr. Speakers  
Speech to the  
King at the  
delivery of the  
Petition for  
Billeting of  
Soldiers.

A  
 ' **Y**Our dutiful and loyal Commons here assembled, were lately humble Suitors to his Majesty for access to your Royal presence ; the occasion that moved their desires herein, was a particular of importance, worthy your Princely consideration ; which, as it well deserves, should have been the only Subject of my Speech at this time.

B  
 ' But since your gracious Answer for this Access, obtained by a Message from your Majesty, they have had some cause to doubt, that your Majesty is not so well satisfied with the manner of their proceedings, as their hearty desire is you should be, especially in that part which concerns your Majesties present Supply, as if in the prosecution thereof, they had of late used some slackness or delay.

C  
 ' And because no unhappiness of theirs can parallel with that which may proceed from a misunderstanding in your Majesty of their clear and loyal intentions, they have commanded me to attend your Majesty with an humble and summary Declaration of their proceedings since this short time of their sitting, which they hope will give your Majesty abundant satisfaction, that never people did more truly desire to be endeared in the favour and gracious opinion of their Sovereign ; and withal to let you see, that as you can have no where more faithful Counsel, so your great designs and occasions can no way be so speedily or heartily supported, as in this old and antient way of Parliament.

D  
 ' For this purpose they humbly beseech your Majesty to take into your Royal consideration, that although by antient Right of Parliament, the matters there debated are to be disposed in their true method and order, and that their constant custom hath been to take into their considerations the common Grievances of the Kingdom, before they enter upon the matter of Supply ; yet to make a full expression of that zeal and affection which they bear to your Royal Majesty, equalling at least, if not exceeding the best affections of their Predecessors, to the best of your Progenitors ; they have in this Assembly, contrary to the ordinary proceedings of Parliament, given your Majesties Supply precedence before the common Grievance of the Subject, how pressing soever, joyning with it only those fundamental and vital Liberties of the Kingdom, which give subsistence and ability to your Subjects.

E  
 ' This was their original order and resolution, and was grounded upon a true discerning, that these two considerations could not be severed, but did both of them entirely concern your Majesties Service, consisting no less in enabling and encouraging the Subject, than in proportioning a Present suiting to your Majesties occasions and their abilities ; nay, so far have they been from using any unnecessary delays, as though, of the two, that of Supply were the later proposition amongst them, the Grand Committee to which both were referred, hath made that of your Majesties Supply first ready for conclusion.

F  
 ' And

‘ And to be sure your Majesties supply might receive no interruption by the other, differing from usage and custom ( in cases in this nature) sent up of those that concern the Subjects by parcels, some to your Majesty, and some to the Lords, to the end your Majesty might receive such speedy content, as suited with the largest and best extent of their first order.

A ‘ Sir, You are the breath of our nostrils, and the light of our eyes, and besides those many comforts, which under you and your Royal Progenitors, in this frame of Government, this Nation hath enjoyed, the Religion we profess hath taught us whose Image you are; and we do all most humbly beseech your Majesty to believe, that nothing is or can be more dear unto us than the sacred Rights and Prerogatives of your Crown: no person or Council can be greater lovers of you, nor be more truly careful to maintain them; and the preserving of those fundamental Liberties which concern the freedom of our persons, and property of Goods and Estates, is an essential means to establish the true glory of a Monarchy.

B ‘ For rich and free Subjects, as they are best governed, so they are most able to do your Majesty service, either in Peace or War, which next under God hath been the cause of the happy and famous Victories of this Nation, beyond other Kingdoms of larger Territories and greater number of People.

C ‘ What information soever contrary to this shall be brought unto your Majesty, can come from no other than such as for their own ends under colour of advancing the Prerogative, do indeed undermine and weaken Royal Power by impoverishing the Subjects, render this Monarchy less glorious, and the People less able to serve your Majesty.

D ‘ Having (by this that hath been said) cleared our hearts and proceedings to your Majesty, our trust is, that in your Royal Judgment we shall be free from the least opinion of giving any necessary stop to our proceedings in the matter of your supply, and that your Majesty will be pleased to entertain belief of your alacrity and chearfulness in your service, and that hereafter no such misfortune shall befall us to be misunderstood by your Majesty in any thing.

E ‘ We all most humbly beseech your Majesty to receive no information in this or any other busines from private relations, but to weigh and judge of our proceedings by those resolutions of the House that shall be represented from our selves.

F ‘ This rightly and graciously understood, we are confident from the knowledge of your goodness and our own hearts, that the ending of this Parliament shall be much more happy than the beginning, and be to all Ages styled the *Blessed Parliament*, for making perfect union between the best King and the best People, that your Majesty may ever delight in calling us together, and we in the comforts of your gracious favour towards us.

‘ In this hope I return to my first Errand, which will best appear by that which I shall humbly desire you to hear, and being an humble Petition for the House of Commons for redressing of those many inconveniences and distractions that have befallen your Subjects by the billeting of Souldiers in private mens houses against their wills.

‘ Your Royal Progenitors have ever held your Subjects hearts the best Garrison of this Kingdom, and our humble Suit to your Majesty is,

A. 1628.

that our faith and loyalty may have such place in your Royal thoughts, as to rest assured that all your Subjects will be ready to lay down their lives for the defence of your sacred Person and this Kingdom.

Not going our selves into our Countrics this Easter, we should think it a great happiness to us, as we know it would be a singular comfort and encouragement to them that sent us hither, if we might but send them the news of a gracious Answer from your Majesty in this particular, which the reasons of the Petition we hope will move your most excellent Majesty graciously to vouchsafe us.

### The Petition concerning the billeting of Souldiers presented to the Kings most excellent Majestiy.

The Petition concerning  
billetting of  
Souldiers.

In all humility complaining, sheweth unto your most excellent Majestiy your loyal and dutiful Commons now in Parliament assembled, That whereas by the fundamental Laws of this Realm every Freeman hath, and of right ought to have, a full and absolute property in his Goods and Estate, and that therefore the billeting and placing the Souldiers in the house of any such Freeman against his will, is directly contrary to the said Laws under which we and our Ancestors have been so long and happily governed; yet in apparent violation of the said ancient and undoubted right of all your Majesties Loyal Subjects of this your Kingdom in general, and to the grievous and insupportable vexation and detriment of many Counties and persons in particular, a new and almost unheard of way hath been invented and put in practice, to lay Souldiers upon them, scattered in companies here and there, even in the heart and bowels of this Kingdom; and to compel many of your Majesties Subjects to receive and lodge them in their own houses, and both themselves and others to contribute toward the maintenance of them, to the exceeding great disservice of your Majesty the general terror of all, and utter undoing of many your People; in somuch as we cannot sufficiently recount, nor in any way proportionable to the lively sense that we have of our Miseries herein, are we able to represent unto your Majestiy the innumerable mischiefs and most grievous vexations, that by this means alone we do now suffer, whereof we will not presume to trouble your sacred ears with particular instances, only most gracious Sovereign, we beg leave to offer to your most gracious view a compassionate consideration of a view of them in particular.

1. The service of Almighty God is hereby greatly hindred, the people in many places not daring to repair to the Church, lest in the mean time the Souldiers should rifle their houses.

2. The ancient and good government of the Countrey is hereby neglected, and almost contemned.

3. Your Officers of Justice in performance of their duties have been resisted and endangered.

4. The Rents and Revenues of your Gentry greatly and generally diminished; Farmers to secure themselves from the Souldiers insolence, being by the Clamor of Solicitation of their fearful and injured Wives and Children, enforced to give up their wonted dwellings, and to retire themselves into places of more secure habitation.

5. Husband-

4 Caroli.

5. Husbandmen, that are as it were the hands of the Country corrupted by ill example of the Souldiers, and encouraged to idle life, give over work, and rather seek to live idly at another mans charges, than by their own labours.

6. Trades-men and Artificers almost discouraged, and being inforced to leave their Trades, and to employ their time in preserving themselves and their families from cruelty.

A 7. Markets unfrequentated, and our ways grown so dangerous, that the people dare not pass to and fro upon their usual occasions.

B 8. Frequent Robberies, Assaults, Batteries, Burglaries, Rapes, Rapines, Murders, Barbarous Cruelties, and other most abominable vices and outrages are generally complained of from all parts where these Companies have been and had their abode, few of which insolencies have been so much as questioned, and fewer according to their de-  
merit punished.

C These and many other lamentable effects (most dread and dear So-  
veraign) have by the billeting of Souldiers already fallen upon us  
your loyal Subjects, tending no less to the disservice of your Majestie,  
than to their impoverishing and destruction, so that thereby they are  
exceedingly disabled to yield your Majestie those Supplies for your ur-  
gent occasions, which they heartily desire; and yet they are further per-  
plexed with apprehension of more approaching danger, one in regard of  
D your Subjects at home, the other of enemies from abroad; in both  
which respects it seems to threaten no small Calamity to the meaner  
sort of your People, being exceeding poor, whereof in many places are  
great Multitudes, and therefore in times of moze settled and most con-  
stant administration of Justice, not easily ruled, are most apt upon  
this occasion to cast off the reins of Government, and by joining them-  
selves with those disordered Soldiers are very like to fall into Mutiny  
and Rebellion; which in faithful discharge of our duties we cannot  
forbear most humbly to present to your high and excellent Wisdom,  
being pressed with probable fears that some such mischief will shortly  
ensue, if an effectual and speedy course be not taken to remove out of  
the Land, or otherwise to disband those unruly Companies.

E For the second, we do most humbly beseech your Majestie to take into  
your Princely consideration, that many of those Companies, besides  
their dissolute dispositions and carriages, are such as do openly profess  
themselves Papists, and therefore to be suspected, that if occasion serue,  
they will rather adhere to a foreign Enemy of that Religion, than to  
your Majestie, their liege Lord and Sovereign, especially some of their  
Captains and Commanders, being as Popishly affected as themselves  
and having served in the Wars on the part of the King of Spain, and  
Arch-Dutchess against your Majesties Allies; which of what pernicious  
consequence it may prove, and how prejudicial to the safety of your  
Kingdom, we leave to your Majesties high and Princely wisdom.

F And now upon these, and many more which might be alledged,  
most weighty and important Reasons grounded on the mainte-  
nance of the Worship and Service of Almighty God, the conti-  
nuance and advancement of your Majesties high honor and profit,  
the preservation of the ancient and undoubted Liberties of your  
People, and therein of Justice, Industry, Valour, which nearly

An. 1628. concern the glory and happiness of your Majesty, and all your Subjects and the preventing of calamity and ruine both of Church and Commonwealth :

We your Majesties most humble and loyal Subjects, the Knights, Citizens and Burgesses of your House of Commons, in the name of all the Commonalty of your Kingdom, who are upon this occasion most miserably disconsolate and afflicted, prostrate at the Throne of your Grace and Justice do most ardently beg a present remove of this insupportable Burden, and that your Majesty would be graciously pleased to secure us from the like pressure in the time to come.

A

B

C

D

To

E

F

*To the Speakers Speech and this Petition his Majesty  
made this Reply.*

A ' M R. Speaker and Gentlemen, When I sent you my last Message, I  
' did not expect a Reply, for I intended it to hasten you, I told  
you at your first Meeting this time was not to be spent in words, and I  
am sure it is less fit for disputes, which if I had a desire to entertain, Mr.  
Speakers Preamble might have given me ground enough: The question  
is not now, what liberty you have in disposing of matters handled in  
your House; but rather at this time what is fit to be done.

B ' Wherefore I hope you will follow my example, in eschewing Dispu-  
tations, and fall to your important business. You make a Protestation  
of your affection and Zeal to my Prerogative, grounded upon such good  
and just Reasons, that I must believe you: But I look that you use me  
with the like charity, to believe what I have declared more than once  
since your meeting with us, that I am as forward as you for the necessity  
and preservation of your true Liberties. Let us not spend so much time  
in this that may hazard both my Prerogative and your Liberties to our  
Enemies.

C ' To be short, go on speedily with your business without any more  
Apologies, for time calls fast on you, which will neither stay for you  
nor me: Wherefore it is my duty to hasten, as knowing the neces-  
sity of it, and yours to give credit to what I say, as to him that sits at  
the Helm.

' For what concerns your Petition, I shall make Answer in a conve-  
nient time.

D E F Rom this time to the 25th of the same Month, the House, in a Grand  
Committee spent most of their time in debate about Martial Law,  
and part thereof in giving the Lords a Meeting at two Conferences, con-  
cerning some Resolves, in order to a Petition of Right transmitted by  
the Commons to their Lordships; at which time Sir Robert Heath and  
Serjeant Ashley in his Discourse, said, The Propositions made by the  
Commons tended rather to an Anarchy than a Monarchy: 2. That if  
they be yielded unto, it is to put a Sword into the Kings hand with one  
hand and to take it out with the other. 3. That they must allow the  
King to govern by Acts of State, otherwise he is a King without a Coun-  
cil, or a Council without a power. 4. That the question is too high to  
be determined by Law, where the Conqueror or Conquered will suffer  
irreparable loss. For which expressions the Lords called the Serjeant to  
an account, and committed him to custody, and afterwards he recanted  
what he said.

Martial Law  
debated.

Serjeant Ash-  
ley questioned  
for some  
words.

F

Friday

An. 1628.

Friday 25 of April.

*The Lords had a Conference with the Commons, where the Lord Archbishop of Canterbury spake as followeth*

*Gentlemen of the House of Commons,*

Archbishops  
Speech at a  
Conference  
concerning  
the Petition of  
Right.

' The service of the King and safety of the Kingdom, do call on my  
 ' Lords to give all speedy expedition, to dispatch some of these  
 ' great and weighty Businesses before us. For the better effecting where-  
 ' of my Lords have thought fit to let you know, that they do in general  
 ' agree with you, and doubt not but you will agree with us, to the best  
 ' of your powers to maintain and support the fundamental Laws of  
 ' the Kingdom, and the fundamental Liberties of the Subject: For the  
 ' particulars which may hereafter fall into debate, they have given me in  
 ' charge to let you know, That what hath been presented by you unto  
 ' their Lordships, they have laid nothing of it by, they are not out of  
 ' love with any thing that you have tendred unto them; They have  
 ' Voted nothing, neither are they in love with any thing proceeding  
 ' from themselves: For that which we shall say and propose, is out of  
 ' an intendment to invite you to a mutual and free Conference, that you  
 ' with a confidence may come to us, and we with confidence may speak  
 ' with you; so that we may come to a conclusion of those things which  
 ' we both unanimously desire.

' We have resolved of nothing, designed or determined of nothing,  
 ' but desire to take you with us, praying help from you, as you have  
 ' done from us.

' My Lords have thought of some Propositions, which they have or-  
 ' dered to be read here, and then left with you in Writing, That if it seem  
 ' good to you, we may uniformly concur for the substance; and if you  
 ' differ, that you would be pleased to put out, add, alter, or diminish, as  
 ' you shall think fit, that so we may come the better to the end, that we  
 ' do both so desirously embrace.

*Then the Propositions following were read by the Clerk  
of the upper House.*

Propositions  
tended to  
the Commons  
by the Lords,  
touching the  
Petition of  
Right.

**T**HAT his Majesty would be pleased graciously to Declare, That the good old Law called *Magna Charta*, and the six Statutes conceived to be Declarations and Explanations of that Law, do still stand in force to all intents and purposes.

**2.** That his Majesty would be pleased graciously to Declare, That according to *Magna Charta*, and the Statutes afore-named, as also according to the most ancient Customs and Laws of this Land, every free Subject of this Realm, hath a fundamental Propriety in his Goods, and a fundamental Liberty of his Person.

**3.** That his Majesty would be graciously pleased to Declare, That it is his Royal pleasure to ratifie and confirm unto all and every his Loyal and faithful

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faithful Subjects, all their ancient, several, just Liberties, Priviledges, and Rights, in as ample and beneficial manner to all intents and purposes, as their Ancestors did enjoy the same under the best of his most noble Progenitors.

A 4. That his Majesty would be further pleased graciously to Declare, for the good content of the Loyal Subjects, and for the securing them from future fear, That in all Cases within the Cognizances of the Common Law concerning the Liberties of his Subject, his Majesty would proceed according to the Common Law of this Land, and according to the Laws established in the Kingdom, and in no other manner or wise.

B 5. As touching his Majesties Royal Prerogative, intrinsical to his Sovereignty, and betrusted him withal from God, *ad communem totius populi salutem, & non ad destructionem,* That his Majesty would resolve not to use or divert the same, to the prejudice of any his loyal People in the propriety of their Goods, or liberty of their Persons: And in case, for the security of his Majesties Royal Person, the common safety of his People, or the peaceable Government of this Kingdom, his Majesty shall find just cause for reason of State to imprison or restrain any mans Person, his Majesty would graciously Declare, That within a convenient time he shall, and will express the cause of the Commitment or restraint, either General or Special; and upon a cause so expressed, will leave him immediately to be tried according to the common Justice of the Kingdom.

C *After the reading of the Propositions, the Archbishop said.*

D **T**HIS is but a Model to be added unto, altered, or diminished, as in your reasons and wisdoms ye shall think fit, after ye have communicated the same to the rest of the Members of the House.

E *To this Speech Sir Dudley Diggs, it being at a free Conference, made Reply.*

Sir Dudley  
Digges replies  
to his Speech.

F **M**Y Lords it hath pleased God many ways to bless the Knights, Citizens, and Burgesses now assembled in Parliament, with great comfort and strong hopes, that this will prove as happy a Parliament as ever was in *England*. And in their Consultations for the service of his Majesty, and the safety of this Kingdom, our special comforts and strong hopes have risen from the continued good respect, which your Lordships so nobly from time to time have been pleased to shew unto them, particularly at this present in your so honourable profession to agree with them in general, and desiring to maintain and support the fundamental Laws and Liberties of *England*.

The Commons have commanded me in like sort to assure your Lordships they have been, are and will be as ready to propugn the just Prerogative of his Majesty, of which in all their Arguments, searches of Records, and Resolutions they have been most careful according to that which formerly was, and now again is protested by them.

Another

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Another noble argument of your honourable disposition towards them is expressed in this, That you are pleased to expect no present Answer from them, who are (as your Lordships in your great wisdoms, they doubt not have considered) a great Body that must advise upon all new Propositions, and resolve upon them before they can give answer, according to the ancient Order of their House. But it is manifest in general (God be thanked for it) there is a great concurrence of affection to the same end in both Houses, and such good Harmony, that I intreat your Lordships leave to borrow a Comparison from Nature, or natural Philosophy : As two Lutes well strung and tuned brought together, if one be play'd on, little straws and sticks will stir upon the other, though it lye still ; so though we have no power to reply, yet these things said and propounded cannot but work in our hearts, and we will faithfully report these Passages to our House, from whence in due time (we hope) your Lordships shall receive a contentful Answer.

The Commons were not satisfied with these Propositions, which were conceived to choak the Petition of Right, then under consideration, but demurred upon them.

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*Monday*

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Monday, 28 April.

4 Caroli.

*The Lord Keeper spake to both Houses of Parliament by the King's command, who was then present.*

A The Lord  
Keepers  
Speech to both  
Houses, con-  
cerning Sup-  
ply, by the  
Kings com-  
mand.

B M Y Lords, and ye the Knights, Citizens, and Burgesses of the House of Commons, ye cannot but remember the great and important Affairs, concerning the safety both of State and Religion, declared first from his Majesty's own mouth, to be the causes of the assembling of this Parliament; the sense whereof, as it doth daily increase with his Majesty, so it ought to do, and his Majesty doubts not but it doth so with you, since the danger increaseth every day, both by effluxion of time, and preparations of the Enemy.

C Yet his Majesty doth well weigh, that this expence of time hath been occasioned by the Debate which hath arisen in both Houses touching the Liberty of the Subject; in which, as his Majesty takes in good part the purpose and intent of the Houses, so clearly and frequently professed, that they would not diminish or blemish his just Prerogative, so he presumes, that ye will all confess it a point of extraordinary Grace and Justice in him, to suffer it to rest so long in dispute without interruption: but now his Majesty, considering the length of time which it hath taken, and fearing nothing so much as any future loss of that, whereof every hour and minute is so precious; and foreseeing, that the ordinary way of Debate, though never so carefully husbanded, in regard of the Form of both Houses, necessarily takes more time than the Affairs of Christendom can permit; his Majesty, out of great Princely care, hath thought of this Expedient to shorten the business, by declaring the clearness of his own heart and intention: And therefore hath commanded me

D to let you know, That he holdeth the Statute of Magna Charta, and the other Six Statutes insisted upon for the Subjects Liberty, to be all in force, and assures you, that he will maintain all his Subjects in the just Freedom of their Persons, and safety of their Estates; and that he will govern according to the Laws and Statutes of this Realm; and that ye shall find as much security in his Majesty's Royal Word and Promise, as in the strength of any Law ye can make; so that hereafter ye shall never have cause to complain.

E The conclusion is, That his Majesty prayeth God, who hath hitherto blessed this Kingdom, and put into his heart to come to you this day, to make the success thereof happy, both to King and People: And therefore he desires, that no doubt or distrust may possess any man, but that ye will all proceed unanimously to the business.

F The Commons being returned from the Lords House, Mr. Secretary Cook perswaded them to comply with the King.

His Majesty, said he, puts us in mind of the great important Affairs of the State, and of his sense thereof, that by effluxion of time increaseth in him, and he doubts not but that it doth increase in us. Ye see his Majesty's moderation in the interpretation of all our actions; he saith, that he hopes we have the same sense he hath, he is pleased to consider of the occasion of expence of time that grew from the Debates in both Houses. We

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see how indulgent he is, that however the Affairs of Christendom are great, yet he omits not this, nay, he takes in good part our Proceedings and our Declarations, that will not impeach the Prerogative: Also his Majesty presumes that he will confess, that he hath used extraordinary Grace, in that he hath endured dispute so long, he acknowledgeth it Justice to stand as we have done.

Further, out of a Princely care of the Publick, he is careful no more time be lost; and because he sees some extraordinary course to be taken to satisfy us, he observes, that in the form of Debate, such length is required, as the nature of the business will not endure. It is to be presumed, that his Government will be according to the Law: We cannot but remember what his Father said, *He is no King, but a Tyrant, that governs not by Law;* but this Kingdom is to be governed by the Common Law, and his Majesty assures us so much; the interpretation is left to the Judges, and to his great Council, and all is to be regulated by the Common Law; I mean not *Magna Charta* only, for that *Magna Charta* was part of the Common Law, and the ancient Law of this Kingdom; all our difference is in the Application of this Law, and how this Law, with difference, is derived into every Court. I conceive there are two Rules, the one of Brafs, that is rigid, and will not bend, and that is the Law of the Kings Bench, this Law will not bend: and when it lights on Subjects sitting, if it do not bend, it is unjust: And there comes in the Law of Chancery and Equity; this is application of Law in privatemens Causes, when it comes to *Mem & Tuum*. And thus the general government of Cafes, with relation to the common State of the Kingdom, is from the Council-Board, and there they are to vary from the Law of the Kingdom: Suppose it be in time of Dearth, Propriety of Goods may in that time be forced, and be brought to the Market: We saw the experience of it in Coals in *London*, and the Council-Board caused them to be brought forth and sold. In a time of Pestilence men may be restrained: If a Schism be like to grow in a Church, the State will inquire after the Favourers of it: If there be fear of Invasion, and it be encouraged by hope of a Party amongst us, it is in the power of Government to restrain men to their houses.

In the composure of these things, there is great difference: What differences have been between the Courts of Chancery and Kings Bench? It is hard to put true difference between the Kings Prerogative and our Liberties. His Majesty saw expence of time would be prejudicial; it pleased God to move his Majesty by a Divine hand to shew us a way to clear all our difficulties, let us attend to all the parts of it; there be five Degrees, and there is more assurance than we could have by any Law whatsoever. His Majesty declares, That *Magna Charta* and the other Statutes are in force: This is not the first time that the Liberty of the Subject was infringed, or was in debate and confirmed; all times thought it safe, that when they came to a Negative of Power, it was hard to keep Government and Liberty together; but his Majesty stopped not there, but according to the sense of these Laws, That he will govern his Subjects in their just Liberties, he assures us our Liberties are just, they are not of Grace, but of Right; nay, he assures us, he will govern us according to the Laws of the Realm, and that we shall find as much security in his Majesties Promise, as in any Law we can make; and whatsoever Law we shall make, it must come to his Majesty's allowance; and if his Majesty find cause in his Government, he may not put life to it: We daily see all Laws are broken, and all Laws will be broke for the Publick Good, and the King may pardon all Offenders; his

his Majesty did see, that the best way to settle all at unity, is to express his own heart: The King's heart is the best guider of his own promise, his promise is bound with his own heart. What Prince can express more care and wisdom?

Lastly, he saith, That hereafter ye shall never have the like cause to complain: May we not think the breach is made up? is not his Majesty engaged in his Royal word?

A The conclusion is full of weight: and he prays God, that as God hath blessed this Kingdom, and put it into his heart to come amongst us, so to make this day successful. *The wrath of a King is like the roaring of a Lion,* and all Laws with his wrath are to no effect; but *the King's favour is like the dew upon the grass,* there all will prosper; and God made the Instruments to unite all hearts.

B His Majesty having thus discharged himself, he prays us to proceed to the business that so much concerns him. As his Majesty hath now shewed himself the best of Kings, let us acknowledge his Majesty's goodness, and return to that union which we all desire.

C But this motion was not received with general acceptation; and Sir Benjamin Rudyard replied to it in these words.

WE are now upon a great business, and the manner of handling it may be as great as the business it self. Liberty is a precious thing, for every man may set his own price upon it, and he that doth not value it, deserves to be valued accordingly: For my own part, I am clear without scruple, that what we have resolved, is according to the Law; and if any Judge in England were of a contrary opinion, I am sure we should have heard of him ere now; out of all question, the very scope and drift of *Magna Charta* was to reduce the Regal to a Legal power, in matter of Imprisonment, or else it had not been worthy so much contending for.

D It is true, That the King ought to have a trust reposed in him, God forbid but he should, and I hope it is impossible to take it from him; for it lies not in the wit of man to devise such a Law, as shall comprehend all particulars, all accidents, but that extraordinary Causes may happen, which when they come, if they be disposed of for the common good, there will be no Law against them; yet must the Law be general, for otherwise, Admissions and Exceptions will fret and eat out the Law to nothing. God himself hath constituted a general Law of Nature, to govern the ordinary course of things, he hath made no Law for Miracles; yet there is this observation of them, that they are rather *præter naturam*, than *contra naturam*, and always *propter bonos fines*: So the King's Prerogatives are rather besides the Law, than against it; and when they are directly to their ends for the publick good, they are not only concurring Laws, but even Laws in singularity and excellency.

E But to come nearer, let us consider where we are now, what steps we have gone and gained; the King's Learned Council have acknowledged all the Laws to be still in force, the Judges have not allowed any Judgment against these Laws; the Lords also have confessed, that the Laws are in full strength; they have further retained our resolutions intire, and without prejudice.

F All this hitherto is for our advantage; but above all, his Majesty hath this day (himself being publickly present) declared by the mouth of the Lord Keeper, before both the Houses, That *Magna Charta* and the other

Sir Ben. Rudyard's Speech concerning that motion.

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A six Statutes, are still in force; That he will maintain his Subjects in the Liberties of their Persons, and Properties of their Goods; That he will govern them according to the Laws of the Kingdom; this is a solemn and binding satisfaction, expressing his gracious readiness to comply with his People in their reasonable and just desires. The King is a good Man, and it is no diminution to a King, to be called so; for whosoever is a good Man, shall be greater than a King, that is not so. The King certainly is very tender of his present Honour, and of his Fame hereafter: he will think it hard to have a worse mark set upon him, then upon any of his Ancestors, by extraordinary restraints: His Majesty hath already intimated unto us by a Message, That he doth willingly give way to have the abuse of Power reformed; by which I do verily believe he doth very well understand, what a miserable Power it is, which hath produced so much weakness to himself, and to the Kingdom; and it is one hapines, that he is so ready to redress it.

B For mine own part, I shall be very glad to see that old decrepit Law *Magna Charta*, which hath been kept so long, and lien bed-rid, as it were, I shall be glad to see it walk abroad again with new vigour and lustre, attended and followed with the other six Statutes: questionless it will be a great heartning to all the People. I doubt not, but upon a debating Conference with the Lords, we may happily fall upon a fair, fit accomodation, concerning the Liberty of our Persons, and Propriety of our Goods. I hope we may have a Bill, to agree in the point against imprisonment for Loans or Privy Seals: As for intrinsical power and reason of State, they are matters in the Clouds, where I desire we may leave them, and not meddle with them at all, left by the way of admittance, we may lose somewhat of that which is our own already: Yet this by the way I will say of Reason of State, That in the latitude by which it is used, it hath eaten out almost, not only the Laws, but all the Religion of Christendom.

C Now I will only remember you of one Precept, and that of the wisest man, *Be not over wise, be not over just:* and he gives his reason, for why wilt thou be desolate?

D If Justice and Wisdom may be stretch'd to desolation, let us thereby learn, that Moderation is the Virtue of Virtues, and Wisdom of Widsoms. Let it be our Master-piece so to carry the busness, that we may keep Parliaments on foot: For as long as they be frequent, there will be no irregular Power, which though it cannot be broken at once, yet in short time it will be made and mouldred away; there can be no total or final loss of Liberties, as long as they last; what we cannot get at one time, we shall have at another.

A Committee ordered to draw up a Bill in order to the Petition of Right.

E Upon this debate it was ordered, that a Committee of Lawyers do draw a Bill, containing the substance of *Magna Charta*, and the other Statutes, that do concern the Liberty of the Subject: which busness took up two whole days.

### F Thursday, the First of May.

Mr. Secretary Cook brings a Message to rely on the King's word.

M R. Secretary Cook delivers a Message from his Majesty, viz. to know whether the House will rest on his Royal word, or no, declared to them by the Lord Keeper; which if they do, he assures them it shall be Royally performed.

Upon

Upon this there was a silence for a good space : Then Mr. Secretary Cook proceeded. ' This silence invites me to a further Speech, and further to address my self: Now we see we must grow towards an issue; for my part, how confident I have been of the good issue of this Parliament, I have certified in this place, and elsewhere, and I am still confident therein ; I know his Majesty is resolved to do as much as ever King did for his Subjects: all this Debate hath grown out of a sense of our sufferings,

A ' and a desire to make up again those Breaches that have been made.

' Since this Parliament begun, hath there been any dispence made of that which hath so formerly been done ? when means were denied his Majesty, being a young King, and newly come to his Crown, which he found ingaged in a War, what could we expect in such *Necessities*? His Majesty called this Parliament to make up the breach : his Majesty assures us we shall not have the like cause to complain : he assures the Laws shall be established, what can we desire more ? all is, that we provide for Posterity, and

B ' that we do prevent the like suffering for the future ; were not the same means provided by them before us ? can we do more ? we are come to the Liberty of the Subjects, and the Prerogative of the King, I hope we shall not add any thing to our selves, to depress him. I will not divine, I think we shall find difficulty with the King, or with the Lords, I shall not deliver my opinion as Counsellor to his Majesty, which I will not justify and say here, or at the Council board. Will we in this necessity strive

C ' to bring our selves into a better condition, and greater Liberty, than our Fathers had, and the Crown into a worse than ever ? I dare not advise his Majesty to admit of that : If this that we now desire to be no Innovation, it is all contained in those Acts and Statutes, and whatsoever else we would add more, is a diminution to the King's Power, and an addition to our own. We deal with a wise and prudent Prince, that hath

' a Sword in his hand for our good, and this good is supported by Power. Do not think, that by Cases of Law and Debate we can make that not to be Law, which in experience we every day find necessary : make what Law you will, if I do not discharge the place I bear, I must commit men, and must not discover the cause to any Taylor or Judge ; if I by this Power commit one without just cause, the burthen falls heavy on me, by his Majesties displeasure, and he will remove me from my place. Government is a solid thing and must be supported for our good.

Sir Robert Philips hereupon spake thus :

E ' That if the words of Kings strike impressions in the hearts of Subjects, then do these words upon this occasion strike an impression into the hearts of us all : to speak in a plain language, we are now come to the end of our journey, and the well disposing of an Answer to this Message, will give happiness or misery to this Kingdom. Let us set the Common-wealth of England before the eyes of his Majesty, that we may justifie our selves, that we have demeaned our selves dutifully to his Majesty.

F And so the day following they had further Debate upon that matter, the House being turned into a Grand Committee, and Mr. Herbet in the Chair.

Some say, that the Subject has suffered more in the violation of antient Liberties within these few years, than in Three hundred years before, and therefore care ought to be taken for the time to come.

Sir Edw. Cook said, That that Royal Word had reference to some message formerly sent ; his Majesties word was, That they may secure themselves any

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any way, by Bill or otherwise, he promised to give way to it; and to the end that this might not touch his Majesty's Honour, it was proposed, that the Bill come not from the House, but from the King: We will and grant for us and our Successors, and that we and our Successors will do thus and thus; and it is the King's Honour, he cannot speak but by Record.

A Others desired the House to consider, when and where the late promise was made; was it not in the face of both Houses? Cruel Kings have been careful to perform their promises, yea, though they have been unlawfull, as *Herod*. Therefore if we rest upon his Majesty's promise, we may assure ourselves of the performance of it: Besides, we bind his Majesty by relying on his word: we have Laws enough, it is the execution of them that is our life, and it is the King that gives life and execution.

Sir Thomas Wentworth.

Sir Thomas Wentworth concluded the Debate, saying, \* That never House of Parliament trusted more in the goodness of their King, for their own private, than the present; but we are ambitious that his Majesty's goodness may remain to Posterity, and we are accountable to a publick trust: and therefore seeing there hath been a publick violation of the Laws by his Ministers, nothing will satisfie him but a publick amends; and our desire to vindicate the Subjects Right by Bill, are no more then are laid down in former Laws, with some modest Provision for Instruction, Performance and Execution.

B Which so well agreed with the sense of the House, that they made it the Subject of a Message to be delivered by the Speaker to his Majesty.

The King gives notice to both Houses, that he intends shortly to end this Session

C **A** Midst those deliberations, another Message was delivered from his Majesty by Mr. Secretary Cook; 'That howsover we proceed in this business we have in hand, which his Majesty will not doubt, but to be according to our constant profession, and so as he may have cause to give us thanks; yet his Resolution is, that both his Royal care, and hearty and tender affection towards all his loving Subjects, shall appear to the whole Kingdom, and all the World, that he will govern us according to the Laws and Customs of this Realm; that he will maintain us in the Liberties of our Persons, and Proprieties of our Goods, so as we may enjoy as much happiness as our Forefathers in their best times; & that he will rectifie what hath been, or may be found amiss amongst us, so that hereafter there may be no just cause to complain. Wherein as his Majesty will rank himself amongst the best of Kings, and shew he hath no intention to invade or impeach our lawful Liberties, or Right; so he will have us to match our selves with the best Subjects, not by incroaching upon that Sovereignty or Prerogative, which God hath put into his hands for our good, but by containing our selves within the Bounds and Laws of our Forefathers, without restraining them, or enlarging them by new Explanations, Interpretations, Expositions, or Additions in any sort, which, he telleth us, he will not give way unto.

D \* That the weight of the affairs of the Kingdom, and Christendom, do press him more and more, and that the time is now grown to that point of maturity, that it cannot endure long debate or delay; so as this Session of Parliament must continue no longer than Tuesday come Seven-night at the furthest: In which time his Majesty, for his part, will be ready to perform what he promised; and if the House be not as ready to do that is fit for themselves, it shall be their own faults.

E \* And upon assurance of our good dispatch and correspondence, his Majesty

‘ jestly declareth, that his Royal intention is to have another Session of Parliament at Michaelmas next, for the perfecting of such things as cannot now be done.

This Message was debated the next day, being Saturday, May 30. whereupon Sir John Elliot spake to this effect.

A The King, faith he, will rank himself with the best of Kings, and therefore he would have us to rank our selves with the best Subjects; we will not incroach upon that Sovereignty that God hath put into his hands: This makes me fear his Majesty is mis-informed in what we go about, let us make some enlargement, and put it before him, that we will not make any thing new: As for the time of this Session, it is but short, and look how many Messages we have, so many interruptions, and mis-reports, and mis-representations to his Majesty produce those Messages.

B Sir Miles Fleetwood continues the Debate, and said, That this business is of great importance, we are to accommodate this: The breach of this Parliament will be the greatest misery that ever befell us; the eyes of Christendom are upon this Parliament, the state of all our Protestant Friends are ready to be swallowed up by the Emperors Forces, and our own Kingdom is in a miserable strait, for the defence of our Religion that is invaded by the Romish Catholicks, by the colour of a Commission, which is intolerable; the defence of our Realm by Shipping is decayed, the Kings Revenue is sold and gone; where shall the relief be obtained but in Parliament? Now we are in the way, let us proceed by way of Bill, in pursuance of the Kings Message, to establish the Fundamental Laws in Propriety of our Goods, and Liberty of our Persons: It was declared to us, that courses by Loan and Imprisonment were not lawful; let us touch them in our Bill, and that all Precedents and Judgments seeming to the contrary, be void; and that all Commitments against the Law be remedied, and that we be protected against the fear of Commitments.

C In conclusion, the Commons agree to an Answer to all the preceding Messages, and present it to the King by the mouth of their Speaker.

D *The Speakers Speech to the King, in Answer to several Messages.*

*Most Gracious and Dread Sovereign,*

E F Our Loyal and Obedient Subjects, the Commons now assembled in Parliament, by several Messages from your Majesty, and especially by that your Declaration, delivered by the Lord Keeper before both Houses, have, to their exceeding joy and comfort, received many ample expressions of your Princely care and tender affections towards them, with a gracious promise and assurance, that your Majesty will govern according to the Laws of this Realm, and so maintain all your Subjects in the just freedom of their Persons, and safety of their Estates, that all their Rights and Liberties may be by them enjoyed with as much freedom and security in their time, as in any age heretofore by their Ancestors, under the best of your Progenitors: For this so great a favour enlarged, by a comfortable intimation of your Majesties confidence in the Proceedings of this House, they do, by me their Speaker, make a full return of most humble thanks to your Majesty, with all dutiful acknowledgment of your Grace and Goodness herein extended unto them.

‘ And whereas in one of those Messages delivered from your Majesty, there

The Speakers Speech to the King in answer to several Messages.

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‘there was an expression of your desire to know, whether this House would rest upon your Royal Word and Promise, assuring them, that if they would, it should be Royally and really performed: As they again present their humble thanks for the seconding and strengthning of your former Royal expressions, so in all humblenes they assure your Majesty, that their greatest confidence is, and ever must be in your Grace and Goodnes, without which, they well know, nothing that they can frame or desire, will be of safety or value to them: Therefore are all humble Suitors to your Majesty, that your Royal Heart will graciously accept and believe the truth of theirs, which they humbly present as full of truth and confidence in your Royal Word and Promise, as ever House of Commons reposed in any of their best Kings.

‘True it is, they cannot but remember the Publick Trust, for which they are accomptable to present and future times; and their desires are, That your Majesty’s Goodnes might, in Fruit and Memory, be the Blessing and Joy of Posterity.

‘They say also, That of late there hath been publick violation of the Laws, and the Subjects Liberties, by some of your Majesties Ministers, and thence conceive, that no less than a publick remedy will raise the dejected hearts of your loving Subjects to a chearful supply of your Majesty, or make them receive content in the proceedings of this House.

‘From those considerations, they most humbly beg your Majesties leave to lay hold of that gracious offer of yours, which gave them assurance, that if they thought fit to secure themselves in their Rights and Liberties, by way of Bill, or otherwise, so it might be provided with due respect to Gods Honour, and the publick Good, you would be graciously pleased to give way unto it. Far from their intentions it is any way to incroach upon your Sovereignty or Prerogative; nor have they the least thought of stretching or enlarging the former Laws in any sorts by any new Interpretations or Additions; the bounds of their desires extend no further, than to some necessary explanation of that which is truly comprehended within the just sense and meaning of those Laws, with some moderate provision for execution and performance, as in times past upon like occasion hath been used.

‘The way how to accomplish these their humble desires, is now in serious consideration with them, wherein they humbly assure your Majesty, they will neither lose time, nor seek any thing of your Majesty, but that they hope may be fit for dutiful and loyal Subjects to ask, and for a gracious and just King to grant.

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*His Majesties Answer was delivered  
by the Lord Keeper.*

His Majesties  
Answer to the  
Speakers  
Speech.

M R. Speaker, and you Gentlemen of the House of Commons, his Majesty hath commanded me to tell you, that he expected an Answer by your Actions, and not delay by Discourse: ye acknowledge this trust and confidence in your proceedings, but his Majesty sees not how you re-quite him by your confidence of his Word and Actions: For what need Explanations, if ye doubted not the performance of the true meaning? For Explanations will hazard an incroachment upon his Prerogative. And it may well be said, What need a new Law to confirm an old, if you re-  
pose

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pose confidence in the Declaration his Majesty made by me to both Houses; and our selves acknowledge, that your greatest trust and confidence must be in his Majesties Grace and Goodnes, without which nothing ye can frame will be of safety, or avail to you: Yet to shew clearly the sincerity of his Majesties intentions, he is content that a Bill be drawn for a confirmation of *Magna Charta*, and the other six Statutes insisted upon for the Subjects Liberties, if ye shall chuse that as the best way, but so as it may be without Additions, Paraphrases, or Explanations.

A Thus if you please you may be secured from your needless fears, and this Parliament may have a happy wished for end: whereas by the contrary, if you seek to tye your King by new, and indeed impossible bonds you must be accomptable to God and the Country for the ill success of this Meeting. His Majesty hath given his Royal Word, that ye shall have no cause to complain hereafter: less than which hath been enough to reconcile Great Princes, and therefore ought much more to prevail between a King and his Subjects.

B Lastly, I am commanded to tell you that his Majesties pleasure is, That without further Replies or Mesflages, or other unnecessary delays, ye do what ye mean to do speedily, remembiring the last Message that Secretary Cook brought you in point of time: his Majesty always intending to perform his promise to his power.

C **N**otwithstanding the intimation of his Majesties good pleasure for a Bill, Mr. Secretary Cook, Tuesday May 6. again pressed the House to rely on the Kings word, saying, ‘That he had rather follow others than begin to enter into this business: loss of time hath been the greatest complaint; the matter fallen now into consideration, is what way to take, whether to rely on his Majesties Word, or on a Bill: If we will consider the advantage we have in taking his Majesties Word it will be of the largest extent, and we shall chuse that that hath most Assurance; an Act of Parliament is by the consent of the King and Parliament, but this Assurance by Word, is that he will govern us by the Laws; the King promises that, and also that they shall be so executed, that we shall enjoy as much freedom as ever: this contains many Laws, and a grant of all good Laws; nay, it contains a confirmation of those very Laws, Assurance, which binds the King further than the Law can; First it binds his affection which is the greatest bond between King and Subject, and that binds his Judgment also, nay, his Honour, and that not at home but abroad; the Royal Word of a King is the Ground of all Treaty; nay it binds his Conscience: this confirmation between both houses is in nature of a Vow; for my part I think it is the greatest advantage to rely on his Majesties Word. He further added, this Debate was fitter to be done before the House, and not before the Committee, and that it was a new Course to go to a Committee of the whole House.

Mr. Secretary  
Cook brings  
another Mes-  
sage to rely on  
the King's  
word.

F Whereunto it was replied by Sir John Elliot, That the proceedings in a Committee, is more honourable and advantageous to the King and the House, for that way leads most to Truth, and it is a more open way, and where every man may add his reason, and make answer upon the hearing of other mens Reasons and Arguments.

Sir John Elliot.

This being the general Sense, the House was turned into a Committee to take into consideration what was delivered to the King by the Speaker and what was delivered to them by the Lord Keeper, and all other Mes-

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Sir Edward  
Cook.

sages, and the Committee was not to be bounded with any former order: the Key was brought up, and none were to go out without leave first asked.

In the Debate of this business at the Committee, some were for letting the Bill rest: but Sir *Edward Cook's* reasons prevailed to the contrary.  
 ‘Was it ever known (said he) that general words were a sufficient satisfaction to particular grievances? was ever a verbal Declaration of the King, *Verbum Regni?* When grievances be, the Parliament is to redress them. Did ever Parliament rely on Messages? They put up Petitions of their Grievances, and the King ever answered them; the Kings Answer is very gracious, but what is the Law of the Realm, that is the question. I put no diffidence in his Majesty, the King must speak by a Record, and in Particulars, and not in General: Did you ever know the Kings Message come into a Bill of Subsidies? All succeeding Kings will say, Ye must trust me as well as ye did my Predecessors, and trust my Messages; but Messages of love never came into a Parliament. Let us put up a Petition of Right: Not that I distrust the King, but that I cannot take his Trust, but in a Parliamentary way.

On *Thursday 8 Maii*, the Petition of Right was finished, and the Clause of Martial Law was added unto it, and it was delivered to the Lords at a Conference for their Concurrence; the which Conference was managed by Sir *Edward Cook*, and the same day, as to the matter of Supply, ordered, that the two first Subsidies should be paid 10 of *July*, one more 12 of *October*, another on 20 of *Decemb.* and the last 1 of *March*.

A *To the Conference*, Sir *Edward Cook* thus expressed himself: ‘My Lords, it is evident what necessity there is, both in respect of your selves, and your Posterities, to have good success in this business: We have acquainted your Lordships with the Reasons and Arguments, and after we have had some Conference, we have received from your Lordships Propositions; and it behoves me to give your Lordships some reasons, why you have not heard from us before now; for in the mean time, as we were consulting of this weighty business, we have received divers Messages from our great Sovereign the King, and they consisted of Five parts.

‘1. That his Majesty would maintain all his Subjects in their just freedom, both of their Persons and Estates.

‘2. That he will govern according to his Laws and Statutes.

‘3. That we should find much confidence in the Royal Word; I pray observe that.

‘4. That we shall enjoy all our Rights and Liberties, with as much freedom as ever any Subjects have done in former times.

‘5. That whether we shall think it fit, either by Bill or otherwise, to go on in this great business, his Majesty would be pleased to give way to it.

‘These gracious Messages did so work upon our affections, that we have taken them into deep consideration. My Lords, when we had these Messages (I deal plainly, for so I am commanded by the House of Commons) we did consider what way we might go for our more secure way, nay yours; we did think it the safest way to go in a Parliamentary course, for we have a Maxim in the House of Commons, and written on the Walls of our House, That old ways are the safest and surest ways: And at last we did fall upon that, which we did think (if that your Lordships did

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A     ' did consent with us) it is the most ancient way of all, and that is, my  
 ' Lords, *via fustia*, both to Majesty, to your Lordships, and to our selves :  
 ' For, my Lords, this is the greatest Bond that any Subject can have in  
 ' open Parliament, *Verbum Regis*, this is an high point of Honour, but  
 ' this shall be done by the Lords and Commons, and assented to by the  
 ' King in Parliament; this is the greatest obligation of all, and this is for  
 ' the Kings honour, and our safety : Therefore, my Lords, we have  
 drawn a form of a Petition, desiring your Lordships to concur with us  
 therein ; for we do come with an unanimous consent to all the House  
 of Commons, and there is great reason your Lordships should do so, for  
 your Lordships be involv'd in the same danger. And so I have done  
 with the first part : And I shall now desire your Lordships leave, that  
 I may read that which I have so agreed on.

B     Here the Petition of Right was read ; but we forbear to insert it as  
 yet, because there were Propositions for alteration ; and it is not perfect,  
 till the Royal assent be given to it.

C     From the Eighth to the Twelfth of May, all publick businesses were  
 laid aside. On Monday the Twelfth, the Lords had a Conference with  
 the Commons, where the Lord Keeper made this Speech.

*Gentlemen of the House of Commons,*

C     M Y Lords, having a most affectionate desire to maintain that good  
 concurrence, that in this Parliament and others have been of late  
 between both Houses, desired this Conference, to acquaint you, how,  
 and in what manner, they have proceeded in the Petition of Right that  
 came from this House ; and to let you know, that as soon as they have  
 received it, they, with all care and expedition they possibly could, ad-  
 dressed themselves to consider thereof ; and after good time spent in  
 Debate in the whole House, they made a Committee to consider, whe-  
 ther retaining of the substance of the Petition, there might not be some  
 words altered or put in to make it more sweet, to procure it a passable  
 way to his Majesty ; we know this must be Crowned by the King, and  
 good must come to all the Kingdom by this course now taken. The  
 Committee hath met, and hath propounded some small matters to be  
 altered in some few words, to make it passable, and not in substance.  
 And the Lords having this reported from their Committee, and heard  
 it read in their House, resolved of nothing till they have your consent,  
 yet they think it fitter to have it propounded to you, to consider whe-  
 ther there should be any alteration or no, and how the propounded  
 alterations may stand with your liking.

D     Concerning the Commitment by the King and the Council, without  
 expressing the cause, it was resolved by the Lords to debate it this  
 morning, and as soon as they should have debated it, they purposed to  
 have your concurrence with them before they resolved it ; but at in-  
 stant when they thought to have debated it, they received a Letter  
 from his Majesty, which, they conceive, will give a satisfaction to both  
 Houses in the main point. My Lords, desiring to keep that good con-  
 currence begun, desired to communicate that Letter unto you, that  
 you might take the same into your considerations, as they mean to do  
 themselves : This Letter is to be read unto you.

Lord Keepers  
Speech com-  
municating a  
Letter from  
the King.

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To the Right Trusty and Right Well-beloved, the Lords Spiritual and Temporal of the Higher House of Parliament.

Carolus Rex,

His Majesties Letter.

WE being desirous of nothing more than the advancement of the Peace and Prosperity of our People, have given leave to free Debate upon the highest Points of our Prerogative Royal, which, in the time of our Predecessors, Kings and Queens of this Realm, were ever restrained as matters that they would not have discussed; and in other things we have been willing so far to descend to the desires of our good Subjects, as might fully satisfie all moderate minds, and free them from all just fears and jealousies, which those Messages which we have hitherto sent into the Commons House, will well demonstrate unto the World; yet we find it still insisted upon, that in no case whatsoever, should it never so nearly concern matters of State or Government, we, or our Privy-Council, have no power to commit any man without the cause shewed; whereas it often happens, that should the cause be shewed, the service it self would thereby be destroyed and defeated, and the cause alledged must be such as may be determined by our Judges of our Courts of Westminster, in a legal and ordinary way of Justice; whereas the causes may be such, as those Judges have not capacity of Judicature, nor Rules of Law to direct and guide their Judgment in cases of that transcendent nature; which hapning so often, the very incroaching on that constant Rule of Government, for so many Ages, within this Kingdom practised, would soon dissolve the very Foundation and Frame of our Monarchy. Wherefore as to our Commons, we made fair Propositions, which might equally preserve the just Liberty of the Subject: so, my Lords, we have thought good to let you know, that without the overthrow of Sovereignty, we cannot suffer this Power to be impeached; notwithstanding, to clear our Conscience and just intentions, this we publish, That it is not in our heart, nor will we ever extend our Royal Power, lent unto us from God, beyond the just rule of Moderation, in any thing which shall be contrary to our Laws and Customs, wherein the safety of our People shall be our only aim. And we do hereby declare our Royal pleasure and resolution to be, which, God willing, we shall ever constantly continue and maintain, That neither we, nor our Privy-Council, shall or will, at any time hereafter, commit or command to Prison, or otherwise restrain the Person of any for not lending Money to us, nor for any just cause, which in our Conscience doth not concern the publick good and safety of us and our People, we will not be drawn to pretend any cause, wherein our Judgment and Conscience is not satisfied with; base thoughts, we hope, no man can imagine will fall into our Royal breast; and that in all cases of this nature, which shall hereafter happen, we shall, upon the humble petition of the Party, or address of our Judges unto us, readily and really express the true cause of their Commitment or Restraint, so soon as with conveniency and safety the same is fit to be disclosed and expressed; and that in all Causes Criminal, of ordinary Jurisdiction, our Judges shall proceed to the Deliverance or Bailment of the Prisoner, according to the known and ordinary Rules of the Laws of this Land, and according to the Statutes of Magna Charta, and those other Six Statutes insisted upon, which we

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we do take knowledge stand in full force, and which we intend not to abrogate and weaken, against the true intention thereof. This we have thought fit to signify, the rather to shorten any long Debate upon this great question, the season of the year being so far advanced, and our great occasions of State not lending many more days for longer continuance of this Session of Parliament.

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Given under our Signet at our Palace at Westminster,  
20 Mai, the Fourth year of our Reign.

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The same day the Kings Letter was communicated to the House of Commons, they laid it aside, and Sir Thomas Wentworth said it was a Letter of Grace, but the People will only like of that which is done in a Parliamentary way; besides, the Debate of it would spend much time, neither was it directed to the House of Commons; and the Petition of Right would clear all mistakes: For (said he) some give it out, as if the House went about to pinch the Kings Prerogative. But the further debate of this matter took up several days.

May 17. The Lords propounded at a Conference, an Addition to be made to the Petition of Right, which was delivered by the Lord Keeper, to this purpose;

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' **T**HAT whereas at the last Conference of both Houses, there were some things propounded that came from their Lordships, out of a desire the Petition might have the easier passage with his Majesty, not intending to violate in any manner the substance of the Petition, but it was then thought fit, that there was another part of the Petition, of as great importance and weight: My Lords, since the time of that Conference, have employ'd themselves wholly to reduce the Petition to such a frame and order, that may give both to you and them hope of acceptance.

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' And after many deliberations, and much advice taken, my Lords have resolved to represent to you something which they have thought upon, yet not as a thing conclusive to them or you; and according to their desires (having mentioned it in the beginning) have held it fit to conclude of nothing, till that you be made acquainted with it, and that there may be a mature advisement between you and them, so that there may be the happier conclusion in all their business.

' This being the determination of the Lords, that nothing that is now offered unto you should be conclusive, yet they thought it convenient to present it unto you.

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' This alteration (and not alteration) but addition, which they shall propound unto you, to be advised and conferred upon, which is no breach of the same, they think it meet, if it shall stand with your liking, to be put in the conclusion of the Petition, which I shall now read unto you.

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**W**E present this our humble Petition to your Majesty, with the care not only of preserving our own Liberties, but with due regard to leave intire that Sovereign Power wherewith your Majesty is trusted for the Protection, Safety, and Happiness of the People.

The Lords Proposition at a Conference, about an addition to the Petition of Right.

The Lords addition to the Petition of Right.

' This is the thing the Lords do present unto you, this Subject of this Conference concerning the adding of this in the conclusion of the Petition, and that they know that this is the new, and that you cannot presently give an Answer to it; therefore they desire that you do with some

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some speed consider of it, and their Lordships will be ready this afternoon.

This Addition produced several Speeches.

Mr. Alford.

' **L**et us look (said he) into the Records, and see what they are, what is Sovereign Power? *Bodin* faith, That it is free from any Condition, by this we shall acknowledge a Regal as well as a Legal Power: Let us give that to the King that the Law gives him, and no more.

Mr. Pimme.

' **I** Am not able to speak to this question, I know not what it is: All our Petition is for the Laws of *England*, and this Power seems to be another distinct Power from the Power of the Law: I know how to add Sovereign to his Person, but not to his Power: And we cannot leave to him a Sovereign Power: Also we never were possessed of it.

Mr. Hackwell.

' **W**e cannot admit of those words with safety, they are applicable to all the parts of our Petition: It is in the nature of a Saving, and by it we shall imply, as if we had incroached on his Prerogative; all the Laws we cite are without a Saving: and yet now after the violation of them, we must add a Saving: Also I have seen divers Petitions, and where the Subject claimed a Right, there I never saw a Saving of this nature.

Sir Edward Cook.

' **T**his is *magnum in parvo*, this is propounded to be a conclusion of our Petition: It is a matter of great weight; and, to speak plainly, it will overthrow all our Petition; it trenches to all parts of it: It flies at Loans, and at the Oath, and at Imprisonment, and Billeting of Soldiers; this turns all about again. Look into all the Petitions of former times, they never petitioned, wherein there was a Saving of the Kings Sovereignty: I know that Prerogative is part of the Law, but Sovereign Power is no Parliamentary word: In my opinion, it weakens *Magna Charta*, and all our Statutes; for they are absolute without any saving of Sovereign Power: And shall we now add it, we shall weaken the Foundation of Law, and then the Building must needs fall; take we heed what we yield unto, *Magna Charta* is such a Fellow, that he will have no Sovereign. I wonder this Sovereign was not in *Magna Charta*, or in the Confirmations of it: If we grant this, by implication we give a Sovereign Power above all these Laws: Power in Law, is taken for a Power with force: The Sheriff shall take the Power of the County, what it means here, God only knows: It is repugnant to our Petition, that is a Petition of Right, grounded on Acts of Parliament: Our Predecessors could never endure a *Salvo jure suo*, no more than the Kings of old could endure for the Church, *Salvo honore Dei & Ecclesiae*: We must not admit of it, and to qualify it is impossible: Let us hold our Privileges according to the Law; that Power that is above this, is not fit for the King and People to have it disputed further. I had rather, for my part, have the Prerogative acted, and I my self to lie under it, than to have it disputed.

Sir Thomas Wen. worth.

' **I**f we do admit of this Addition, we shall leave the Subject worse than we found him, and we shall have little thanks for our labour when we come home: Let us leave all Power to his Majesty, to punish Malefactors, but these Laws are not acquainted with Sovereign Power, we desire no new

' new thing, nor do we offer to trench on his Majesties Prerogative, we  
' may not recede from this Petition, either in part or in whole.

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' **T**O add a Saving is not safe, doubtful words may beget ill construc-  
' tion; and the words are not only doubtful words, but words un-  
' known to us, and never used in any Act or Petition before.

Mr. Noy.

A ' **L**et us not go too hastily to the Question, said Mr. Selden: If there  
' be any Objections, let any propound them, and let others answer  
' them as they think good: If it hath no reference to our Petition, what  
' doth it here? I am sure all others will say it hath reference, and so must  
' we: how far it doth exceed all examples of former times, no man can  
' shew me the like: I have made that search that fully satisfies me, and  
' I find not another besides 28 of *Eliz.* We have a great many Petitions,  
' and Bills of Parliament in all Ages, in all which we are sure no such  
B ' thing is added: That Clause of the 28 of *Edw. 1.* it was not in the Pe-  
' tition, but in the Kings Answer.

Mr. Selden.

C ' In *Magna Charta* there were no such Clauses, the Articles themselves  
' are to be seen in a Library at *Lambeth*, in a Book of that time, upon which  
' the Law was made. There was none in the Articles in King *John's* time,  
' for these I have seen, there is no Saving. In the Statutes of *Confirmatio  
Chartarum*, is a Saving, *les Antients Aids*, that is, for *file maryer*, & pur  
faire fitz Chivalier, and for ransome. And in the Articles of King *John* in  
the Original Charter, which I can shew, there those three Aids were na-  
med therein, and they were all known: In the 25 of *Edw. 3.* there is a  
Petition against Loans, there is no Saving, and so in others: As for that  
Addition in the 28 of *Edw. 1.* do but observe the Petitions after *Magna  
Charta*, as 5 *Edw. 3.* they put up a Petition, whereas in *Magna Charta* it  
is contained, That none be imprisoned, but by due process of Law; those  
words are not in *Magna Charta*, and yet there is no Saving; and so in the  
28 of *Edw. 3.* and 36 and 37 and 42 of *Edw. 3.* all which pass by Peti-  
tion, and yet there is no Saving in them: And there are in them other  
words that are not in *Magna Charta*, and yet no Saving.

D ' For that that Mr. Speaker said, The King was our heart, and ever shall  
be; but we then spake of the Kings Prerogative by it self, and we are  
bound to say so: But speaking of our Rights, shall we say we are not to  
be imprisoned, saving but by the Kings Sovereign Power? Say my Lands  
(without any Title) be seized in the Kings hand, and I bring a Petition  
of Right, and I go to the King and say, I do by no means seek your Maje-  
ties Right and Title; and after that, I bring a Petition or *Monstrance de  
droit*, setting forth my own Right and Title, and withall set down a Sa-  
ving, that I leave intire his Majesties Right, it would be improper. It was  
objected, That in the 28 of *Edw. 1.* in the end of *Articuli super Chartas*,  
which was a confirmation of *Magna Charta*, and *Charta de Foresta*, in the  
end there is a Clause, *Savant le droit & Signioriy*; the words are extant  
in that Roll that is now extant, but the Original Roll is not extant.

E ' In the 25 *E. 3.* there was a confirmation of the Charter in the 27 *E. 3.*  
F ' The Parliament was called, and much stir there was about the Charter, and  
renewing the Articles; but then little was done. In 28 *E. 1.* the Commons  
by Petition or Bill, did obtain the Liberties and Articles at the end of the  
Parliament, they were extracted out of the Roll, and proclaimed abroad;  
the addition was added in the Proclamation: in the Bill there was no *savant  
liament*  
' but afterwards it was put in: and to prove this, it is true, there is no Par-

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liament Roll of that year, yet we have Histories of that time: In the Library at Oxford there is a Journal of a Parliament of that very year which mentions so much; also in the publick Library at Cambridge there is a Manuscript that belonged to an Abby, it was of the same year 28 E. I. and it mentions the Parliament and the Petitions, and *Articulos quos petierunt sic confirmaverit Rex ut in fine adderet, Salvo jure Coronae Regis,* and they came by Proclamation in London when the people heard this Clause added in the end, they fell into execration for that Addition; and the great Earls that went away satisfied from the Parliament hearing of this, went to the King, and after it was cleared at the next Parliament. Now there is no Parliament Roll of this of that time, only in one Roll in the end of E.3. there is a Roll that recites it.

The Lords afterwards at a Conference tended Reasons to fortifie their Addition: which were briefly reported; That the Lord Keeper said,

**T**HAT the Lords were all agreed to defend and maintain the just Liberties of the Subject, and of the Crown, and that the word (Leave) was debated amongst them; and thereby they meant to give no new, but what was before: for the words, *Sovereign Power*, as he is a King he is a Sovereign, and must have Power; and he said the words were easier than the *Prerogative*: As for the word (that) which is a relative, and referred to *that Power*, that is for the safety of the People; and this, said he, can never grieve any man: being thus published it is not Sovereign Power in general, but now in confutation of our Reasons, he saith, *Magna Charta* was not with a Saving; but, said he, You pursue not the words in *Magna Charta*, and therefore it needs an Addition.

As for the 28 of E.3. he said there was a saving, and an ill exposition cannot be made of this, and both Houses have agreed it in substance already, the Commons did it in a Speech delivered by our Speaker, and that we say we have not a thought to incroach on the Kings Sovereignty; and why may you not add it in your Petition.

Upon this Report Mr. Mason readily spake his opinion in manner following.

**I**N our Petition of Right to the Kings Majesty, we mention the Laws and Statutes, by which it appeared, That no Tax, Loan or the like, ought to be levied by the King, but by common assent in Parliament: That no Freeman ought to be imprisoned but by the Law of the Land; That no Freeman ought to be compelled to suffer Soldiers in his house. In the Petition we have expressed the breach of these Laws, and desire we may not suffer the like; all which we pray as our Rights and Liberties.

The Lords have proposed an addition to this Petition, in these words.

**W**E humbly present this Petition to your Majesty, not only with a care of our own Liberties, but with a due regard to leave intire that Sovereign Power wherewith your Majesty is intrusted for the Protection, Safety, and Happiness of your People.

And whether we shall consent unto this addition, is the subject of this days discourse: and because my Lord Keeper at the Conference declared their Lordships had taken the words of the Petition apart, I shall do so too. The word (Leave) in a Petition, is of the same nature as (Saving) in a Grant, or Act of Parliament; when a man grants but part of a thing he saves



' saves the rest ; when he petitions to be restored but to part, he leaveth  
' the rest : Then in the end of our Petition the word [*Leave*] will imply,  
' that something is to be left of that, or at least with a reference to what  
' we desire.

A ' The word [*Intire*] is very considerable, a Conqueror is bound by no  
' Law, but hath power *dare Leges*, his Will is a Law ; and although *Wil-*  
' *liam* the Conqueror, at first, to make his way to the Crown of *England*  
' the more easie, and the possession of it more sure, claimed it by Title; but  
' afterward when there were no powerful Pretenders to the Crown, the  
' Title of Conquest (to introduce that absolute power of a Conqueror)  
' was claimed, and that Statute of *Magna Charta*, and other Statutes men-  
' tioned in our Petition, do principally limit that Power. I hope it is as lawful  
' for me to cite a Jesuite, as it is for Doctor *Manwaring* to falsifie him; *Sua-*  
' *res*, in his first Book, *de Legibus*, cap. 17. delivered his opinion in these  
' words, *Amplitudo & restrictio potestatis Regum circa ea quae per se mala*  
' *vel injusta non sunt, pendet ex arbitrio hominum & ex ambigua conventione*  
' *vel pacto inter reges & regnum*. And he farther expresseth his opinion,  
' That the King of *Spain* was so absolute a Monarch, that he might impose  
' Tribute without consent of his People, until about two hundred years  
' since, when it was concluded between him and his People, that without  
' consent of his People by Proxies, he should not impose any Tribute.  
' And *Suarez* opinion is, That by that agreement, the Kings of *Spain* are  
' bound to impose no Tribute without consent.

C ' And this Agreement that Author calls a restraining of that Sovereign  
' Power, the Statutes then mentioned in our Petition, restraining that ab-  
' solute Power of Conqueror ; if we recite those Statutes, and say, we leave  
' the Sovereign Power entire, we do take away that restraint which is the  
' vertue and strength of those Statutes, and set at liberty the claim of the  
' Sovereign Power of a Conqueror, which is to be limited and restrained  
' by no Laws : This may be the danger of the word [*Intire*.]

D ' The next word delivered by the Lords as observable, is the Particle  
' [*That*] because it was said, That all Sovereign Power is not mentioned  
' to be left, but only (*that*) with which the King is trusted for our pro-  
' tection, safety, and happiness : But I conceive this to be an exception of  
' all Sovereign Power ; for all Sovereign Power in a King, is for the pro-  
' tection, safety, and happiness of his People : If all Sovereign Power be  
' excepted, you may easily judge the consequence, all Loans and Taxes  
' being imposed by colour of that Sovereign Power.

E ' The next word is [*Trusted*] which is very ambiguous, whether it be  
' meant trusted by God only as a Conqueror, or by the People also, as  
' King, which are to govern also according to Laws, *ex pacto*. In this  
' point I will not presume to adventure further, only I like it not, by rea-  
' son of the doubtful Exposition it admits. I have likewise considered the  
' Proposition it self, and therein I have fallen upon the Dilemma, that this  
' addition shall be construed either to refer unto the Petition, or not : If it  
' do refer unto the Petition, it is merely useless and unnecessary, and unb-  
' fitting the judgment of this grave and great Assembly to add to a Peti-  
' tion of this weight. If it hath reference unto it, then it destroys not  
' only the vertue and strength of our Petition of Right, but our Rights  
' themselves ; for the addition being referred to each part of the Petition,  
' will necessarily receive this construction : That none ought to be compel-  
' led to make any Gift, Loan, or such like charge, without common consent  
' or Act of Parliament, unless it be by the Sovereign Power, with which

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' the King is trusted for the Protection, Safety, and Happiness of his  
' People.

' That none ought to be compelled to sojourn or billet Souldiers, unless  
' by the same Sovereign Power, and so of the rest of the Rights contained  
' in the Petition: And then the most favourable construction will be, that  
' the King hath an ordinary Prerogative, and by that he cannot impose  
' Taxes, or Imprison; that is, he cannot impose Taxes at his will, to im-  
' ploy them as he pleaseth; but that he hath an extraordinary and tran-  
' scendent Sovereign Power for the protection and happiness of his peo-  
' ple, and for such purpose he may impose Taxes, or billet Souldiers, as he  
' pleaseth; and we may assure our selves, that hereafter all Loans, Taxes,  
' and billeting of Soldiers, will be said to be for the protection, safety, and  
' happiness of the People; certainly hereafter it will be conceived, that an  
' House of Parliament would not have made an unnecessary addition to  
' this Petition of Right, and therefore it will be resolved, That the Addi-  
' tion hath relation to the Petition, which will have such operation as I  
' have formerly declared; and I the rather fear it, because the late Loan  
' and Billeting have been declared to have been by Sovereign Power for  
' the good of our selves; and if it be doubtful whether this Proposition  
' hath reference to the Petition or not, I know who shall judge whether  
' Loans or Imprisonments hereafter be by that Sovereign Power or not?

' A Parliament, which is made a Body of several Writs, and may be dis-  
' solved by one Commission, cannot be certain to decide this question.  
' We cannot resolve that, that the Judges shall determine the words of the  
' Kings Letter read in this House, expressing the cause of Commitment  
' may be such, that the Judges have not capacity of Judicature, no Rules  
' of Law to direct and guide their Judgments in Cases of that transcen-  
' dent nature, the Judges then, and the Judgments, are easily conjectured;  
' it hath been confessed by the Kings Council, that the Statute of *Magna*  
' *Charta* binds the King, it binds his Sovereign Power; and here is an  
' Addition of Saving the Kings Sovereign Power: I shall endeavour to  
' give some Answer to the Reasons given by the Lords.

' The first is, That it is the intention of both Houses, to maintain the  
' just Liberty of the Subject, and not to diminish the just Power of the  
' King; and therefore the expression of that intention in this Petition,  
' cannot prejudice us. To which I answer,

' First, That our intention was, and is, as we then professed, and no  
' man can assign any Particular in which we have done to the contrary;  
' neither have we any way transgressed in that kind in this Petition: and  
' if we make this Addition to the Petition, it would give some intimati-  
' on, that we have given cause or colour of offence therein; which we  
' deny, and which if any man conceive so, let him assign the Particular,  
' that we may give answer thereunto.

' By our Petition, we only desire our particular Rights and Liberties  
' to be confirmed to us; and therefore it is not proper for us in it to  
' mention Sovereign Power in general, being altogether impertinent to  
' the matter in the Petition.

' There is a great difference between the words of the Addition, and  
' the words proposed therein, for reason, viz. between just Power which  
' may be conceived to be limited by Laws, and Sovereign Power, which  
' is supposed to be transcendent and boundless.

The second Reason delivered by their Lordships, was, That the King  
' is Sovereign; that as he is Sovereign, he hath Power, and that that

' Sovereign

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‘ Sovereign Power is to be left: for my part, I would leave it so as not to mention it, but if it should be exprested to be left in this Petition, as it is proposed, it must admit something to be left in the King of what we pray, or at least admit some Sovereign Power in his Majesty, in these Priviledges which we claim to be our Right, which would frustrate our Petition, and destroy our Right, as I have formerly shewed.

A ‘ The third Reason given from this Addition, was, That in the Statute of *Articuli super Chartas*, there is a saving of the Seigniory of the Crown.

‘ To which I give these Answers, That *Magna Charta* was confirmed above Thirty times, and a general Saving was in none of these Acts of Confirmation, but in this only; and I see no cause we should follow one ill, and not thirty good Precedents; and the rather, because that Saving produced ill effects, that are well known.

B ‘ That Saving was by Act of Parliament; the conclusion of which Act is, That in all those Cases the King did well, and all those that were at the making of that Ordnance did intend, that the Right and *Seigniory* of the Crown should be saved: By which it appears, that the Saving was not in the Petition of the Commons, but added by the King; for in the Petition, the Kings will is not exprested.

C ‘ In that Act the King did grant, and depart with, to his People, divers Rights belonging to his Prerogative, as in the first Chapter he granted, That the People might chuse three men, which might have power to hear and determine Complaints, made against those that offended in any point of *Magna Charta*, though they were the Kings Officers, and to Fine and Ransome them: And in the 8. 12. and 19 Chapter of that Statute, the King departed with other Prerogatives; and therefore there might be some reason of the adding of, that Sovereign, by the Kings Council: But in this Petition we desire nothing of the Kings Prerogative, but pray the enjoying of our proper and undoubted Rights and Priviledges; therefore there is no cause to add any words, which may imply a Saving of that which concerns not the matter in the Petition.

D ‘ The fourth reason given by their Lordships, was, That by the mouth of our Speaker we have this Parliament declared, That it was far from our intention to incroach upon his Majesties Prerogative, and that therefore it could not prejudice us, to mention the same resolution in an Addition to this Petition.

E ‘ To which I answer, That that Declaration was a general Answer to a Message from his Majesty to us, by which his Majesty exprested, that he would not have his Prerogative straitned by any new Explanation of *Magna Charta*, or the rest of the Statutes: and therefore that expression of our Speakers was then proper, to make it have reference to this Petition, there being nothing therein contained but particular Rights of the Subject, and nothing at all concerning his Majesties Prerogative.

F ‘ Secondly, That Answer was to give his Majesty satisfaction of all our proceedings in general, and no man can assign any particular, in which we have broken it; and this Petition justifies it self, that in it we have not offended against the Protestation: And I know no reason but that this Declaration should be added to all our Laws we shall agree on this Parliament, as well as to this Petition.

‘ The last Reason given, was, That we have varied in our Petition from the words of *Magna Charta*; and therefore it was very necessary, that a Saving should be added to the Petition.

‘ I answer, That in the Statute 5 E. 3. 25 E. 3. 28 E. 3. and other D d d 2 Statutes,

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‘ Statutes, with which *Magna Charta* is confirmed: the words of the Statute of Explanation, differ from the words of *Magna Charta* it self, the words of some of the Statutes of Explanation being, that no man ought to be apprehended, unless by Indictment, or due Process of Law; and the other Statutes differing from the words of *Magna Charta*, in many other particulars, and yet there is no Saving in those Statutes, much less should there be any in a Petition of Right. These are the Answers I have conceived to the Reasons of their Lordships, and the Exposition I apprehend must be made of the proposed words, being added to our Petition. And therefore I conclude, that in my opinion we may not consent to this Addition, which I submit to better Judgments.

The Commons afterwards appointed Mr. Glanvile and Sir Henry Martin, to manage another Conference to be had with the Lords, concerning the said matter, and to clear the sense of the Commons in that point: The one argued the Legal, the other the Rational part; and though the matter delivered, by the length of it, may seem tedious to the Reader, and some matters spoken of before, repeated again; yet if the Reader observe the Language and Stile, as well as the Subject Matter, perhaps it will be no penance unto him.

### Mr. Glanvile’s Speech in a full Committee of both Houses of Parliament, 23 May, 1628. in the Painted-Chamber at Westminster.

Mr. Glanvile’s  
Speech at a  
Committee of  
both Houses,  
concerning  
Sovereign  
Power.

‘ **M**Y Lords, I have in charge, from the Commons House of Parliament, (whereof I am a Member) to express this day before your Lordships some part of their clear sense, touching one point that hath occurred in the great Debate, which hath so long depended in both Houses.

‘ I shall not need many words to induce or state the question, which I am to handle in this free Conference. The subject matter of our meeting is well known to your Lordships, I will therefore only look so far back upon it, and so far recollect summarily the proceedings it hath had, as may be requisite to present clearly to your Lordships considerations, the nature and consequence of that Particular wherein I must insist.

‘ Your Lordships may be pleased to remember, how that the Commons in this Parliament have framed a Petition to be presented to his Majesty, a Petition of Right rightly composed, relating nothing but truth, desiring nothing but Justice; a Petition justly occasioned, a Petition necessary and fit for these times, a Petition founded upon solid and substantial grounds, the Laws and Statutes of this Realm, sure Rocks to build upon; a Petition bounded within due limits, and directed upon right ends, to vindicate some lawful and just Liberties of the free Subjects of this Kingdom, from the prejudice of violations past, and to secure them from future innovations.

‘ And because my following discourse must reflect chiefly, if not wholly upon the matter of this Petition, I shall here crave leave shortly to open to your Lordships the distinct parts whereof it doth consist, and those are four.

‘ The first concerns Levies of Monies, by way of Loans or otherwise, for his Majesties supply; declaring, that no man ought, and praying that ‘ no

' no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax; or such like Charge, without common consent by Act of Parliament.

A ' 2. The second is concerning that Liberty of Person, which rightfully belongs to the free Subjects of this Realm, expressing it to be against the Tenure of the Laws and Statutes of the Land, that any Free-man should be imprisoned without cause shewed; and then reciting how this Liberty, amongst others, hath lately been infringed, it concluded with a just and necessary desire, for the better clearing and allowance of this Priviledge for the future.

B ' 3. The third declarereth the unlawfulness of Billeting or placing Soldiers or Marriners to sojourn in Free Subjects houses against their wills, and prayeth remedy against that grievance.

B ' 4. The fourth and last aimeth at redress touching Commissions, to proceed to the Trial and Condemnation of offenders, and causing them to be executed and put to death by the Law Marshal, in times and places, when and where, if by the Laws and Statutes of the Land they had deserved death, by the same Laws and Statutes also they might, and by none other ought to be adjudged and executed.

C ' This Petition the careful House of Commons, not willing to omit any thing pertaining to their duties, or might advance their moderate and just ends, did heretofore offer up unto your Lordships consideration, accompanied with an humble desire, That in your Nobleness and Justice you would be pleased to joyn with them in presenting it to his Majesty, that so coming from the whole Body of the Realm, the Peers and People, to him that is head of both, our gracious Sovereign, who must crown the Work, or else all our labour is in vain; it might, by your Lordships concurrence and assistance, find the more easie passage, and obtain the better Answer.

D ' Your Lordships, as your manner is in cases of so great importance, were pleased to debate it and weigh it well, and thereupon you propounded to us some few amendments (as you termed them) by way of alteration, alledging, that they were only in matters of form, and not of substance; and that they were intended to none other end, but to sweeten the Petition, and make it the more pasable with his Majesty.

E ' In this the House of Commons cannot but observe that fair and good respect which your Lordships have used in your proceedings with them, by your concluding or voting nothing in your House, until you had imparted it unto them; whereby our meetings about this busines have been justly stiled Free Conferences, either Party repairing hither engaged to hear and weigh the other Reasons, and both Houses coming with a full intention, upon due consideration of all that can be said on either side, to joyn at last in resolving and acting that which shall be found most just and necessary for the honour and safety of his Majesty and the whole Kingdom.

F ' And touching those propounded alterations, which were not many, your Lordships cannot but remember, that the House of Commons have yielded to an accommodation, or change of their Petition in two Particulars, whereby they hope your Lordships have observed, as well as ye may, they have not been affected unto words or phrases, nor overmuch abounding in their own sense; but rather willing to comply with your Lordships in all indifferent things.

' For the rest of your proposed amendments, if we do not misconceive your

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your Lordships, as we are confident we do not, your Lordships, of your selves have been pleased to relinquish them with a new overture, for one only Clause to be added in the end or foot of the Petition, whereby the work of this day is reduced to one simple head, whether that Clause shall be received or not ?

This yielding of the Commons in part unto your Lordships, of other points by you somewhat insisted upon, giveth us great assurance, that our ends are one; and putteth us in hope, that, in conclusion, we shall concur, and proceed unanimously to seek the same ends, by the same means.

The Clause propounded by your Lordships to be added to the Petition, is this :

**W**E humbly present this Petition to your Majesty, not only with a care for preservation of Liberties, but with a due regard to leave intire that Sovereign Power wherewith your Majesty is intrusted for the Protection, Safety, and Happiness of your People.

A Clause specious in shew, and smooth in words, but in effect and consequence most dangerous, as I hope to make most evident ; however, coming from your Lordships, the House of Commons took it into their considerations, as became them, and apprehending upon the first Debate, that it threatened ruine to the whole Petition, they did heretofore deliver some Reasons to your Lordships, for which they then desired to be spared from admitting it.

To these Reasons, your Lordships offered some Answers at the last Meeting ; which having been faithfully reported to our House, and there debated, as was requisite for a business of such weight and importance, I must say truly to your Lordships, yet with due reverence to your opinions, the Commons are not satisfied with your Arguments ; and therefore they have commanded me to recollect your Lordships Reasons for this Clause, and in a fair Reply to let you see the Cause why they differ from you in opinion.

But before I come to handle the Particulars wherein we dissent from your Lordships, I will in the first place take notice yet a little further of that general wherein we all concur ; which is, That we desire not (neither do your Lordships) to augment or dilate the Liberties and Privileges of the Subjects beyond the just and due Bounds ; nor to incroach upon the Limits of his Majesties Prerogative Royal ; and as in this your Lordships, at the last Meeting, expressed clearly your own sense, so were your Lordships not mistaken in collecting the concurrent sense and meaning of the House of Commons ; they often have protested they do, and ever must protest, That these have been, and shall be the bounds of their desires, to demand and seek nothing, but that which may be fit for dutiful and loyal Subjects to ask, and for a gracious and just King to grant ; for as they claim by Laws some Liberties for themselves, so they do acknowledge a Prerogative, a high and just Prerogative belonging to the King, which they intend not to diminish. And now, my Lords, being assured, not by strained inference, or obscure collections, but by the express and clear Declarations of both Houses, that our ends are the same ; it were a miserable unhappiness, if we should fail in finding out the means to accomplish our desires.

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‘ My Lords, the Heads of those particular Reasons which you insisted upon the last day, were only these :

‘ First, you told us, that the word [Leave] was of such nature, that it could give no new thing to his Majesty.

‘ 2. That no just exception could be taken to the words [Sovereign Power] for that as his Majesty is a King, so he is a Sovereign ; and as he is a Sovereign, so he hath Power.

A! 3. That the Sovereign Power mentioned in this Clause, is not absolute or indefinite, but limited and regulated by the Particle [That] and the word [Subsequent] which restrains it to be applied only for Protection, Safety, and Happiness of the People, whereby ye inferred, there could be no danger in the allowance of such Power.

B 4. That this Clause contained no more in substance, but the like expressions of our meanings in this Petition, which we had formerly signified unto his Majesty by the mouth of Mr. Speaker, that we no way intended to incroach upon his Majesties Sovereign Power or Prerogative.

B 5. That in our Petition we have used other words, and of larger extent touching our Liberties, than are contained in the Statutes whereon it is grounded : In respect of which enlargement, it was fit to have some express, or implied Saving, or Narrative, Declaratory for the Kings Sovereign Power, of which Narrative alledge this Clause to be.

C Lastly, Whereas the Commons, as a main Argument against the Clause, had much insisted upon this, that it was unprecedented, and unparliamentary in a Petition from the Subject, to insert a Saving for the Crown : your Lordships brought for instance to the contrary the two Statutes of the 25 E. I. commonly called, *Confirmatio Chartarum*, and 28 E. I. known by this name of *Articuli super Chartas* ; in both which Statutes there are, Saving is for the Kings.

D Having thus reduc'd to your Lordships memories, the effects of your own reasons; I will now with your Lordships favor, come to the points of our Reply, wherein I most humbly beseech your Lordships to weigh the Reasons which I shall present, not as the sense of my self, the weakest Member of our House, but as the genuine and true sense of the whole House of Commons, conceived in a busines there debated with the greatest gravity and solemnity, with the greatest concurrence of opinions, & unanimity that ever was in any busines maturely agitated in that House. I shall not peradventure follow the method of your Lordships recollect Reasons in my answering to them, nor labour to urge many reasons. It is the desire of the Commons, that the weight of their Arguments should recom-pense (if need be) the smallness of their number. And, in conclusion, when you have heard me through, I hope your Lordships shall be enabled to collect clearly out of the frame of what I shall deliver, that in some part or other of my discourse there is a full and satisfactory Answer, given to every particular reason or objection of your Lordships.

E The Reasons that are now appointed to be presented to your Lordships, are of two kinds, Legal and Rational, of which these of the former sort are allotted to my charge; and the first of them is thus.

F The Clause now under question, if it be added to the Petition, then either it must refer, or relate unto it, or else not; if it have no such reference, is it not clear that it is needless and superfluous? and if it have such reference, is it not clear, that then it must needs have an operation upon the whole Petition, and upon all the parts of it?

‘ We cannot think that your Lordships would offer us a vain thing, and there-

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' therefore taking it for granted, that if it be added, it would refer to  
 ' the Petition : let me beseech your Lordships to observe with me, and  
 ' with the House of Commons, what alteration and qualification of the  
 ' same it will introduce.

' The Petition of it self, simply, and without this Clause, declareth abso-  
 ' lutely the Rights and Priviledges of the Subject, in divers points ; and  
 ' amongst the rest touching the Levies of Monies, by way of Loans or  
 ' otherwise, for his Majesties supply, That such Loans and other charges  
 ' of the like nature, by the Laws and Statutes of this Land, ought not to  
 ' be made or laid without common consent by Act of Parliament : But  
 ' admit this Clause to be annexed with reference (to the Petition) and it  
 ' must necessarily conclude and have this Exposition, That Loans and the  
 ' like Charges (true it is ordinarily) are against the Laws and Statutes of  
 ' the Realm, *unless they be warranted by Sovereign Power*, and that they  
 ' cannot be commanded or raised without assent of Parliament, *unless it be by Sovereign Power* : What were this but to admit a Sovereign Power  
 ' in the King above the Laws and Statutes of the Kingdom.

' Another part of this Petition is, That the free Subjects of this Realm  
 ' ought not to be imprisoned without cause shewed: But by this Clause  
 ' a Sovereign Power will be admitted, and left entire to his Majesty,  
 ' sufficient to control the force of Law, and to bring in this new and dan-  
 ' gerous Interpretation, That the free Subjects of this Realm ought not  
 ' by Law to be imprisoned without cause shewed, *unless it be by Sovereign Power*.

' In a word, This Clause, if it should be admitted, would take away the  
 ' effect of every part of the Petition, and become destructive to the  
 ' whole: for thence will be the Exposition touching the Billeting of Sol-  
 ' diers and Mariners in free-mens houses against their wills; and thence  
 ' will be the Exposition touching the Times and Places for Execution of  
 ' the Law Marshal, contrary to the Laws and Statutes of the Realm.

' The scope of this Petition, as I have before observed, is not to amend  
 ' our case, but to restore us to the same state we were in before ; whereas,  
 ' if this Clause be received, instead of mending the condition of the poor  
 ' Subjects, whose Liberties of late have been miserably violated by some  
 ' Ministers, we shall leave them worse than we found them ; in stead of  
 ' curing their wounds, we shall make them deeper. We have set bounds  
 ' to our desires in this great busines, whereof one is not to diminish the  
 ' Prerogative of the King, by mounting too high ; and if we bound our  
 ' selves on the other side with this limit, not to abridge the lawful Pri-  
 ' viledges of the Subject, by descending beneath that which is meet, no  
 ' man, we hope, can blame us.

' My Lords, as there is mention made in the additional *Clause of Sovereign Power*, so there is likewise of a trust reposèd in his Majesty, touch-  
 ' ing the use of Sovereign Power.

' The word *Trust* is of great latitude, and large extent, and therefore  
 ' ought to be well and warily applied and restrained, especially in the  
 ' Case of a King: there is a trust inseparably reposèd in the Persons of the  
 ' Kings of England, but that trust is regulated by Law ; for example, when  
 ' Statutes are made to prohibit things not *mala in se*, but only *mala quia prohibita*, under certain forfeitures and penalties, to accrue to the King  
 ' and to the Informers that shall sue for the breach of them : The Com-  
 ' mons must, and ever will acknowledge, a Regal and Sovereign Prerogative  
 ' in the King, touching such Statutes, that it is in his Majesties absolute and  
 ' undoubted

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- ‘undoubted Power, to grant Dispensations to particular persons, with  
‘the Clauses of *Non obstante*, to do as they might have done before  
‘those Statutes, wherein His Majesty conferring grace and favour upon  
‘some, doth not do wrong to others; but there is a difference between  
‘those Statutes, and the Laws and Statutes whereon the Petition is  
‘grounded: by those Statutes the Subject hath no interest in the penal-  
ties, which are all the Fruit such Statutes can produce, until by Suit or  
**A** ‘information commenced, he become entituled to the particular forfei-  
‘tures; whereas the Laws and Statutes mentioned in our Petition, are of  
‘another nature; there shall your Lordships find us to rely upon the good  
‘old Statute, called *Magna Charta*, which declareth and confirmeth the  
‘ancient Common Laws of the Liberties of *England*: There shall your  
‘Lordships also find us to insist upon divers other most material Sta-  
‘tutes, made in the time of King *Edward 4.* and *Edward 3.* and other  
‘famous Kings, for explanation and ratification of the lawful Rights  
‘and Priviledges, belonging to the Subjects of this Realm: Laws not  
**B** ‘inflicting Penalties upon Offenders, *in malis prohibitis*, but Laws decla-  
‘rative or positive, conferring or confirming *ipso facto*, an inherent Right  
‘and Interest of Liberty and Freedom in the Subjects of this Realm, as  
‘their Birthrights, and Inheritance descendible to their Heirs and Poste-  
‘rity; Statutes incorporate into the Body of the Common Law, over  
‘which (with reverence be it spoken) there is no Trust reposed in the  
‘Kings *Sovereign Power, or Prerogative Royal* to enable him to dispence  
**C** ‘with them, or to take from his Subjects that Birthright or Inheritance  
‘which they have in their Liberties, by virtue of the Common Law, and  
‘of these Statutes.
- ‘But if this Clause be added to our Petition, we shall then make a  
‘dangerous overture to confound this good destination touching what  
‘Statutes the King is trusted to controul by dispensations, and what not;  
‘and shall give an intimation to posterity, as if it were the opinion both of  
‘the Lords and Commons assembled in this Parliament, that there is a  
**D** ‘Trust reposed in the King, to lay aside by his *Sovereign Power* in some  
‘emergent cases, as well of the Common Law, and such Statutes as de-  
‘clare or ratifie the Subjects Liberty, or confer Interest upon their per-  
‘sons, as those other penal Statutes of such nature as I have mentioned  
‘before; which as we can by no means admit, so we believe assuredly, that  
‘it is far from the desire of our most Gracious Sovereign, to affect so vast a  
‘Trust, which being transmitted to a Successor of a different temper,  
‘might enable him to alter the whole frame and fabrick of the Common-  
‘wealth, and to dissolve that Government whereby this Kingdom hath  
**E** ‘flourished for so many years and ages, under His Majesties most Royal  
‘Ancestors and Predecessors.
- ‘Our next Reason is, that we hold it contrary to all course of Parlia-  
‘ment, and absolutely repugnant to the very nature of a Petition of  
‘Right, consisting of particulars, as ours doth, to clog it with a general  
‘*Saying or Declaration*, to the weakening of the Right demanded; and  
‘we are bold to renew with some confidence our Allegation, that there  
‘can be no Precedent shewed of any such Clause in any such Petitions  
**F** ‘in times past: •

‘I shall insist the longer upon this particular, and labour the more care-  
‘fully to clear it, because your Lordships were pleased the last day to urge  
‘against us the Statutes of 25 and 28 of *E. 1.* as arguments to prove the  
‘contrary, and seemed not to be satisfied with that which in this point we

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had affirmed. True it is, that in those Statutes there are such *Savings* as your Lordships have observed; but I shall offer you a clear Answer to them, and to all other *Savings* of like nature that can be found in any Statutes whatsoever.

First, in the general, and then I shall apply particular Answers to the particulars of those two Statutes, whereby it will be most evident, that those examples can no ways suit with the matter now in hand. To this end it will be necessary, that we consider duly what that question is, which indeed concerneth a Petition, and not an Act of Parliament: This being well observed, by shewing unto your Lordships the difference between a Petition for the Law, and the Law ordained upon such a Petition, and opening truly and perspicuously the course that was holden in framing of Statutes before 2 H. 5. different from that which ever since then hath been used, and is still in use amongst us, and by noting the times wherein these Statutes were made, which was about one hundred years before 2 H. 5. besides the differences between these *Savings* and this Clause; I doubt not but I shall give ample satisfaction to your Lordships, that the Commons, as well in this, as in all their other Reasons, have been most careful to rely upon nothing but that which is most true and pertinent.

Before the second year of King H. 5. the course was thus: When the Commons were Suiters for a Law, either the Speaker of their House by word of mouth from them, the Lords House joining with them, or by some Bill in writing, which was usually called their Petition, moved the King, to ordain Laws for the redress of such mischiefs, or inconveniences as were found grievous unto the people.

To these Petitions the King made answer as he pleased, sometimes to part, sometimes to the whole, sometimes by denial, sometimes by assent, sometimes absolutely, and sometimes by qualification. Upon these Motions and Petitions, and the Kings Answers to them, was the Law drawn up and ingrossed in the Statute-Roll to bind the Kingdom; but this inconvenience was found in this course, that oftentimes the Statutes thus framed, were against the sense and meaning of the Commons, at whose desires they were ordained; and therefore in the 2 H. 5. finding that it tended to the violation of their Liberty and Freedom, whose Right it was, and ever had been, that no Law should be made without their assent; they then exhibited a Petition to the King, declaring their Right in this particular, praying that from thenceforth no Law might be made or ingrossed as Statutes, by additions or diminutions to their Motions, or Petitions, that should change their sense or intent, without their assent; which was accordingly established by Act of Parliament, ever since then the Right hath been as the use was before, that the King taketh the whole, or leaveth the whole of all Bills or Petitions, exhibited for the obtaining of Laws.

From this course, and from the time when first it became constant and settled, we conclude strongly, that it is no good Argument, because ye find *Savings* in Acts of Parliament before the second of H. 5. that before those *Savings* were in the Petitions that begat those Statutes; for if the Petitions for the two Loans so much insisted upon (which Petitions, for any thing we know, are not now extant) were never so absolute, yet might the King according to the usage of those times, insert the *Savings* in his Answers, which passing from thence into the Statute-Roll, do only give some little colour, but are not proof at all that the Petitions also were with *Savings*.

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‘ Thus much for the general; to come now to the particular Statute of 25 of Edw. I. which was a confirmation of *Magna Charta*, with some provision for the better execution of it, as Common Law, which words are worth the noting.

A ‘ It is true, that Statute hath also a clause to this effect, That the King or his Heirs from thenceforth should take no Aids, Taxes, or Prices of his Subjects, but by common Assent of all the Realm, saving the ancient Aids and Prices due and accustomed.

‘ This Saving, if it were granted (which is not, nor cannot be proved) that it was as well in the Petition as in the Act: yet can it no way imply, that it is either fit or safe, that the Clause now in question should be added to our Petition: for the nature and office of a Saving, or Exception, is to exempt particulars out of a general, and to ratifie the Rule in things not exempted, but in no sort to weaken or destroy the general Rule it self.

B ‘ The Body of that Law was against all Aids, and Taxes, and Prices in general, and was a confirmation of the Common Law, formerly declared by *Magna Charta*; the Saving was only of Aids and Prices in particular, so well described and restrained by the words, *Ancient and Accustomed*, that there could be no doubt what could be the clear meaning and extent of that Exception; for the Kings Right to those ancient Aids, intended by that Statute to be saved to him, as well known in those days, and is not yet forgotten.

C ‘ These Aids were three, from the Kings Tenants by Knights Service, due by the Common Law, or general Custom of the Realm; Aid to ransom the Kings Royal Person, if unhappily he should be taken Prisoner in the Wars; Aid to make the Kings eldest Son a Knight, and Aid to marry the Kings eldest Daughter once, but no more; and that those were the only Aids intended to be saved to the Crown by that Statute, appeareth in some clearness by the Charter of King John, dated at *Runningmede the 15 of June*, in the fifth year of his Reign, wherein they are enumerated with an exclusion of all other Aids whatsoever. Of this Charter I have here one of the Originals, whereon I beseech your Lordships to cast your eyes, and give me leave to read the very words which concern this point. These words (my Lords) are thus: *Nullum scutagium vel auxilium ponatur in Regno nostro, nisi per commune Consilium Regni nostri, nisi ad Corpus nostrum redimendum, & primogenitum filium nostrum militem faciendum, & ad filiam nostram primogenitam semel maritandam, & ad hoc non fiat nisi rationabile auxilium.*

E ‘ Touching Prices, the other thing excepted by this Statute, it is also of a particular Right to the Crown so well known, that it needeth no description, the King being in possession of it by every days usage.

‘ It is to take one Tun of Wine before the Mast, and another behind the Mast, of every Ship bringing in above twenty Tuns of Wine, and here discharge them by way of Merchandise.

F ‘ But our Petition consisteth altogether of particulars, to which if any general Saving, or words amounting to one, should be annexed, it cannot work to confirm things not excepted which are none, but to confound things included, which are all the parts of the Petition; and it must needs beget this dangerous Exposition, that the Rights and Liberties of the Subject, declared and demanded by this Petition, are not theirs absolutely, but *sub modo*, not to continue always, but only to take place when the King is pleased not to exercise that Sovereign Power, wherewith this Clause admit-

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ted he is trusted for the protection, safety, and happiness of his people. And thus that Birthright and Inheritance, which we have in our Liberties, shall by our own assents be turned into a mere Tenancy at will and sufferance.

Touching the Statute of 28 Edw. I. *Articuli super chartas*, the scope of that Statute, among other things, being to provide for the better observing and maintaining of *Magna Charta*, hath in it nevertheless two *Savings* for the King; the one particular, as I take it, to preserve the ancient Prices, due and accustomed, as of Wines, and other Goods; the other general, *Seigniory of the Crown in all things*. A

To these two *Savings*, besides the former Answers, which may be for the most part applied to this Statute as well as to the former, I add these further Answers: The first of these two *Savings*, is of the same prisage of Wines which is excepted in the 25 Edw. I. but in some more clearness; for that here the word (*Wines*) is expressly annexed to the word (*Prices*) which I take for so much to be in Exposition of the former Law: And albeit these words (*and of other Goods*) be added, yet do I take it to be but a particular *Saving*, or exception, which being qualified with the words (*antient, due, and accustomed*) is not very dangerous, nor can be understood of Prices or Levies upon Goods of all sorts at the Kings will and pleasure, but only of the old and certain Customs upon Wool, Woolfells, and Leather, which were due to the Crown long before the making of this Statute. B

For the latter of the two *Savings* in this Act, which is of the more unusual nature, and subject to the more exception; it is indeed general, and if we may believe the concurrent Relations of the Histories of those times, as well as those that are now Printed, as those that remain only in Manuscripts, it gave distaste from the beginning, and wrought no good effect, but produced such distempers and troubles in the State, as we wish may be buried in perpetual oblivion; and that the like *Saving* in these and future times may never breed the like disturbance: For from hence arose a Jealousie, that *Magna Charta*, which declared the antient Right of the Subject, and was an absolute Law in it self, being now confirm'd by a latter Act, with this addition of a general *Saving*; for the Kings Right in all things by the *Saving* was weaken'd, and that made doubtful, which was clear before. But not to depart from our main ground, which is, that *Savings* in old Acts of Parliament, before 2 H.5. are no proof that there were the like *Savings* in the Petitions; for those Acts, let me observe unto your Lordships, and so leave this point, That albeit this Petition, whereon this Act of 28 Edw. I. was grounded, be perished; yet hath it pleased God, that the very Frame and Context of the Act it self, as it is drawn up, and entred upon the Statute-Roll, and printed in our Books doth manifestly impart, that this *Saving* came in by the Kings Answer, and was not in the original Petition of the Lords and Commons; for it cometh in at the end of the Act after the words (*le Roy le veut*) which commonly are the words of the Royal assent to an Act of Parliament. And though they be mixed and followed with other words, as though the Kings Council, and the rest who were present at the making of this Ordinance, did intend the same *Saving*; yet is not that Conclusive, so long as by the form of those times, the Kings Answer working upon the materials of the Petition, might be conceived by some to make the Law effectual, though varying from the frame of the Petition. F

The next Reason which the Commons have commanded me to use for which they still desire to be spared from adding this Clause to their Petition,

A ' Petition, is this: this offensive Law of 28 E. I. which confirmed *Magna Charta* with a *saving*, rested not long in peace, for it gave not that satisfaction to the Lords or People; as was requisite they should have in a case so nearly concerning them: And therefore about thirty three, or thirty four of the same Kings Reign, a latter Act of Parliament was made, whereby it was enacted, That all men should have their Laws, and Liberties, and free Customs, as largely and wholly as they had used to have at any time, when they had them best; and if any Statutes had been made, or any Customs brought in to the contrary, that all such Statutes and Customs should be void.

B ' This was the first Law which I now call to mind, that restored *Magna Charta* to the original purity wherein it was first molded, albeit it hath since been confirmed above twenty times more by several Acts of Parliament, in the Reigns of divers most just and gracious Kings, who were most apprehensive of their Rights, and jealous of their Honours, and always without *savings*; so as if between 28 and 34 Edw. I. *Magna Charta* stood blemished with many *Savings* of the Kings Rights or Seigniory, which might be conceived to be above the Law; that stain and blemish was long since taken away, and cleared by those many absolute Declarations and Confirmations of that excellent Law which followed in after Ages, and so it standeth at this day purged and exempted now from any such *saving* whatsoever.

C ' I beseech your Lordships therefore to observe the circumstance of time wherein we offer this Petition to be presented to your Lordships, and by us unto his Majesty: Do we offer it when *Magna Charta* stands clogged with *saving*? No, my Lords, but at this day when latter and better confirmations have vindicated and set free that Law from all exceptions; and shall we now annex another and worse *saving* to it, by an unnecessary Clause in that Petition, which we expect should have the fruits and effects of a Law? Shall we our selves relinquish or adulterate that which cost our Ancestors such care and labour to purchase and refine? No, my Lords, but as we should hold our selves unhappy if we should not amend the wretched estate of the poor Subject, so let us hold it a wickedness to impair it.

E ' Whereas it was further urged by your Lordships, That to insert this Clause into our Petition, would be no more than to do that again at your Lordships motion and request, which we had formerly done by the mouth of our Speaker; and that there is no cause why we should recede from that which so solemnly we have professed. To this I answer and confess, it was then in our hearts, and so it is now, and shall be ever, not to incroach on his Majesties Sovereign Power. But I beseech your Lordships to observe the different occasion and reference of that Pro- testation; and of this Clause.

F ' That was a general Answer to a general Message, which we received from his Majesty, warning us not to incroach upon his Prerogative; to which like dutiful and loving Subjects, we answered at full, according to the integrity of our own hearts; nor was there any danger in making such an Answer to such a Message, nor could we answer more truly or more properly: But did that Answer extend to acknowledge a Sovereign Power in the King, above the Laws and Statutes mentioned in our Petition, or controul the Liberties of the Subject therein declared and demanded? No, my Lords, it hath no reference to any such particulars; and the same words which in some cases may be fit to be used, and were unman-

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nerly to be omitted, cannot in other Cases be spoken but with impertinency at the least, if not with danger; I have formerly opened my Reasons, proving the danger of this Clause, and am commanded to illustrate the impertinency of adding it to the Petition by a familiar Case, which was put in our House by a learned Gentleman, and of my own Robe: The Case is this, Two Mannors or Lordships lie adjoining together, and perchance intermixed, so as there is some difficulty to discern the true bounds of either; as it may be touching the Confines where the Liberty of the Subject, and the Prerogative of the Crown do border each upon the other; to the one of the Mannors the King hath clear right, and is in actual possession of it; but the other is the Subjects. The King being misinformed, that the Subject hath intruded upon his Majesties Mannor, asketh his Subject whether he doth enter upon his Majesties Mannor, or pretendeth any Title to it, or any part of it? The Subject being now justly occasioned, maketh answer truly to the King, That he hath not intruded, nor will intrude upon his Majesties Mannor, nor doth make any Claim or Title to it, or any part of it. This Answer is proper and fair; nay, it were unmannerly and ill done of the Subject not to answer upon this occasion. Afterwards the King, upon colour of some double or single matter of Record, seizeth into his Highness hands, upon a pretended Title, the Subjects Mannor: The Subject then exhibiteth his Petition of Right to his Majesty, to attain Restitution of his own Mannor, and therein layeth down Title to his own Mannor only: Were it not improper and absurd in this Case for him to tell the King, that he did not intend to make any Claim or Title to his Majesties Mannors, which is not questioned? Doubtless it were. This Case rightly applied, will fit our purpose well, and notably explain the nature of our Petition.

Why should we speak of leaving entire the Kings Sovereign Power, whereon we incroach not, while we only seek to recover our own Liberties and Priviledges, which have been seized upon by some of the Kings Ministers? If our Petition did trench actually upon his Majesties Prerogative, would our saying that we intended it not, make the thing otherwise than the truth?

My Lords, there needeth no Protestation or Declaration to the contrary of that which we have not done; and to put in such a Clause, cannot argue less than a fear in us, as if we had invaded it; which we hold sacred, and are assured that we have not touched either in our words, or in our intentions. And touching your Lordships observation upon the word (*Leave*) if it be not a proper word to give any new thing to the King, sure we are, it is a word dangerous in another sense; for it may amount, without all question, to acknowledge an old Right of Sovereign Power in his Majesty, above these Laws and Statutes whereon only our Liberties are founded; a Doctrine which we most humbly crave your Lordships leaves freely to protest against. And for your Lordships proferring, that some Saving should be requisite for preservation of his Majesties Sovereign Power, in respect our Petition runneth in larger words than our Laws and Statutes whereon we ground it; what is this but a clear confession by your Lordships, that this Clause was intended by you to be that Saving? for other Saving than this, we find not tended by you: And if it be such a Saving, how can it stand with your Lordships other Arguments, that it should be of no other effect than our former expression to his Majesty by the mouth of our Speaker? But I will not insist upon Collections of this kind; I will only shew you the Reasons of

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- A     ' the Commons, why this Petition needeth no such saving; albeit the words of these Statutes be exceeded in the Declaratory part of our Petition: Those things that are within the equity, and true meaning of a Statute, are as good Laws as those which are contained in the express Letter, and therefore the Statutes of the 42 Edw. 3. 6 H. 3. Rot. Par. N. 12. and other the Statutes made in this time of King Edw. 3. for the Explanation of *Magna Charta*, which hath been so often vouched in this Parliament, though they differ in words from *Magna Charta*, had no Saving annexed to any of them, because they enacted nothing more than was contained in effect: In that good Law under the words, *per legale judicium parium suorum, aut per legem terrae*, which by these latter Laws are expounded to import, that none shall be put to answer without Presentment, or matter of Record, or by due Process, or Writ Original, and if otherwise, it should be void, and holden for error.
- B     ' It hath not been yet shewn unto us from your Lordships, that we have in any of our Expressions or Applications strained or mis-applied any of the Laws or Statutes whereon we do insist, and we are very confident and well assured, that no such mistaking can be assigned in any point of our Petition now under question: if therefore it do not exceed the true sense and construction of *Magna Charta* in the subsequent Laws of Explanation whereon it is grounded, what reason is there to add a Saving to this Petition more than to those Laws? since we desire to transmit the fruits of these our labors to Posterity, not only for the justification of our selves in right of our present, and their future Liberties; but also for a brave expression and perpetual testimony of that Grace and Justice, which we assure our selves we shall receive in His Majesties speedy and clear Answer. This is the thing we seek for, and this is the thing we hoped for, and this is the thing only will settle such an unity and confidence betwixt His Majesty and us, and raise such a chearfulness in the hearts of all His loving Subjects, as will make us proceed unanimously, and with all expedition to supply him for his great occasions in such measure, and in such way as may make him safe at home, and feared abroad.

*Sir Henry Martin took up the Argument, and proceeded as to the rational part thereof.*

- E     ' **I**T is necessary to state the question rightly, and to set down the true difference between your Lordships and us. Now indeed there is no difference or question between your Lordships and us, concerning this additional Clause in the nature and quality of a Proposition; For so considered, we say it is most true, and to be received and embraced by us; *in toto & qualibet parte & qualibet syllaba*, yea, and were that the question, we should add to the addition, and instead of due regard, say we have had, have, and ever will have a special and singular regard, where to leave entire Sovereign Power: but this were to intimate, as if we had first cropt it, and then left; but our regard was to acknowledge and confess it sincerely, and to maintain it constantly, even to the hazard of our Goods and Lives, if need be.

*Sir Hen. Martin's Speech, as to the rational part of the matter of the Conference.*

- F     ' To which purpose your Lordships may be pleased to remember that strict Oath every Member of our House hath taken this very Session, in these words, *I (A.B.) do utterly testify and declare in my conscience, That the Kings Highness is the Supream or Sovereign Governor of this Realm in all Causes,*

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Causes, &c. and to my utmost power will assist and defend all Jurisdictions, Previdges, Preheminences and Authorities, granted or belonging to the Kings Highness, or united, or annexed to the Imperial Crown of this Realm, &c.

So that your Lordships need not to borrow from our Protestations any Exhortations to us, to entertain a Writing in assistance of the Kings Sovereign Power, since we stand obliged by the most sacred Bond of a solemn Oath, to assist and defend the same, if cause and occasion so required; So that the only question between your Lordships and us, is, whether this Clause should be added to our Petition, and received into it as part thereof, which to do your Lordships reasons have not perswaded us, because so to admit it, were to overthrow the Fabrick and substance of our Petition of Right, and to annihilate the Right pretended by us and the Petition it self in effect: For these words being added to our Petition (viz.) we humbly present this Petition, &c. with due regard to leave entire your Sovereign Power, &c. do include manifestly an exception to our Petition, and an Exception being of the nature of the thing whereunto it is an Exception, *Exceptio est de regula*, must of necessity destroy the Rule or Petition, so far as to the case excepted; *Exceptio firmat regulam in casibus non exceptis, in casibus exceptis destruit regulam*: Then this construction followeth upon our Petition thus enlarged, that after we have petitioned, that no freeman should be compeled by imprisonment to lend or contribute Money to His Majesty without his assent in Parliament, nor receive against his will, Soldiers into his House, or undergo a Commission of Marshal Law, for Life or Member in time of Peace, we should add, Except his Majesty be pleased to require our Moneys, and imprison us for not lending, and send Soldiers into our Houses, and execute us by Marshal Law in time of Peace, by virtue of his Sovereign Power: which construction, as it followeth necessarily upon this enlargement, so it concludeth against our right in the Premisses, and utterly frustrateth all our Petition; neither may it seem strange, if this clause additional (which of it self in quality of a proposition we confess) being added to our Petition (which also is true) should overthrow the very frame and fabrick of it, seeing the Logicians take knowledge of such a fallacy called by them, *Fallacia a bene divisa ad male conjuncta*. Horace the Poet giveth an instance to this purpose, in a Painter, who when he had painted the head of a man according to Art, would then join it to the neck of a horse, and so mar the one and the other; whereas each by it self might have been a piece of right good workmanship. The second branch of my Lord Keepers rational part, was enforced out of the last words of this addition, by which his Lordship said, that they did not leave intire all Sovereign Power, but that wherewith his Majesty is trusted for the protection, safety, and happiness of the People; as if his Lordship would infer, that sovereign power wherewith, &c. in this place to be *Terminus diminuentem*, a term of diminution or qualification, and in that consideration might induce us to accept it. But under his Lordships correction, we cannot so interpret it: For first we are assured, that there is no Sovereign Power wherewith his Majesty is trusted, either by God or man, but only that which is for the protection, safety, and happiness of his People; and therefore that limitation can make no impression upon us: but we conceive it rather in this place to have the force *Termini ad augentis*, to be a term of important advantage against our Petition, a Term of restriction, and that wheresoever his Majesties Sovereign power should be exercised upon us; in all and every the particulars mentioned in the Petition

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tion, we should, without further enquiry, submit thereunto, as assuming  
and taking it *pro concessu*, it induced to our Safety and Happiness, &c.  
Since therefore (as the Petition is now conceived) it carrieth the form  
and face of a Picture, which representeth to the life the pressures and  
grievances of the People, with the easie remedies; and therefore we  
hope that his Majesty, casting upon it a gracious eye, will compassionate  
his poor loyal Subjects, and afford a comfortable Answer.

A    ' I do humbly pray your Lordships not to marr or blemish the grace  
and face of this Picture with this unnecessary Addition; and unnecessary  
I prove it to be, according to that Rule, *Expressio ejus quod tacite  
inevit nihil operatur*. And Sovereign Power, in cases where it hath place,  
ought to be used, is always necessarily understood, and though not  
expressed, yet supplied by reasonable intendment, or by the opinion  
of all Learned men.

B    ' And therefore, as it neither is, nor can be by us expressly included,  
especially in this Petition, where the Addition thereof would make  
such a confusion of the whole sense and substance.

C    ' The Kings Sovereign Power and Prerogative is always able to save it  
self, and if it were not, we must, without this Addition, save it to our ut-  
most powers, if we will save our Oath, and save our selves. The true state  
of the cause thus standing between your Lordships and us, the House of  
Commons doth not a little marvel upon what grounds your Lordships  
are so earnest to urge upon them this addition to be inserted into their  
Petition, they nothing doubt, but the same proceeded out of a sollici-  
tude and fear which your Lordships have, lest otherwise the simple  
and absolute passage of this Petition might be construed hereafter in  
prejudice of his Majesties Sovereign Power: And this your Lordships  
sollicitude and fear, proceedeth from your love, as the Poet saith,

*Res est solliciti plena timoris Amor.*

D    ' But I humbly pray your Lordships to examine with us, the grounds of  
this your sollicitude and fear, which grounds must needs be laid either  
upon the words of the Petition, or the intention of the Petitioners.

E    ' Upon the words there is no possibility to lay them, for therein is no  
mention made of the Sovereign Power; and were the words doubtful,  
as thus, We pray the like things be not done hereafter, under pretext of  
your Majesties Sovereign Power; yet in respect of the Protestations pre-  
ceding, concomitant and subsequent to the Petition, such doubtful words  
ought reasonably to be interpreted only of such Sovereign Power as was  
not applicable to the Cases wherein it was exercised; and of such Sove-  
reign Power as should be justly practised: but there are no such doubt-  
ful words, & therefore it followeth, that your Lordships fear and sollici-  
tude must be grounded upon the intention of the Petitioners. Now your  
Lordships well know, that the House of Commons is not ignorant, that in  
a Session of Parliament, though it continue so many weeks, as this hath  
done days, yet there is nothing *prius & posterius*, but all things are held  
and taken as done at one time; if so, what a strange Collection was this,  
that at the same time the House of Commons should oblige themselves,

F    ' by a fearful adjuration, to assist and defend all Priviledges and Preroga-  
tives belonging to the King, & at the same time by a Petition (cautiously  
conveyed) endeavour or intend to divest and deprive the King of some  
Prerogatives belonging to his Crown? If therefore such fear and sollici-  
tude can neither be grounded upon the words of the Petition, nor inten-  
tion of the Petitioners, I humbly pray your Lordships to lay them aside:

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as we do believe that the Proposition of this Addition from your Lordships, was not only excusable, but commendable, as proceeding from your love: So now having heard our Reasons, your Lordships would rest satisfied, that our refusal to admit them into our Petition, proceedeth from the conscience of the integrity and uprightness of our own hearts, that we in all this Petition have no such end to abate or diminish the Kings just Prerogative. And so much in reply to that Rational part, whereby my Lord Keeper laboured to perswade the entertainment of this Addition.

This being done, it pleased the House of Commons to instruct and furnish me with certain Reasons which I should use to your Lordships, to procure your absolute conjunction with us in presenting this Petition; which albeit I cannot set forth according to their worth, and the Instructions given me by the House, yet, I hope, their own weight will so press down into your Lordships Consciences and Judgments, that without further scruple, you will chearfully vouchsafe to accompany this Petition with your right noble presence.

*A personis.* The first Argument wherewith I was commanded to move your Lordships, was drawn from the consideration of the Persons which are Petitioners, the *House of Commons*; a House, whose temper, mildness, and moderation in this Parliament hath been such, as we should be unthankful and injurious to Almighty God, if we should not acknowledge his good hand upon us, upon our tongues, upon our hearts, procured, no doubt, by our late solemn and publick Humiliation and Prayers.

This moderation will the better appear, if, in the first place, we may be remembred, in what passion and distemper many Members of this House arrived thither, what bosoms, what pockets full of complaints and lamentable grievances the most part brought thither, and those every day renewed by Letters and Packets from all parts and quarters: You know the old Proverb, *Ubi dolor ibi digitus, ubi amor ibi oculus;* it is hard to keep our fingers from often handling the parts ill affected; but yet our Moderation overcame our Passion, our Discretion overcame our Affection.

This Moderation also will the better appear, if in the second place it be not forgotten, how our Ancestors and Predecessors carried themselves in Parliaments, when upon lighter provocations, less would not serve their turns, but new severe Committions to hear and determine offences against their Liberties, publick Ecclesiastical Curses, or Excommunications against the Authors or Actors of such violations, accusations, condemnations, executions, banishments. But what have we said all this Parliament? we only look forward, not backward: we desire amendment hereafter, no mans punishment for ought done heretofore; nothing written by us in bloud, nay, not one word spoken against any mans person in displeasure. The conclusion of our Petition is, that we may be better intreated in time to come: And doth not this moderate Petition deserve your Lordships chearful conjunction, *ex congruo & condigno?* If a Worm being trodden upon, could speak, a Worm would say, Tread upon me no more, I pray you: Higher we rise not, lower we cannot descend; and thus much we think in modesty may be well spoken in our own commendation, thence to move your Lordships to vouchsafe us your noble company in this Petition, without surcharging it with this Addition.

*A tempore.* Our next Argument is drawn *a tempore*, from the unseasonableness of the time. The Wise man saith, *There is a time for all things under the Sun. Tempus juvum;* and if, in the wise mans judgment, a word spoken

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‘ spoken in its due time be precious as Gold and Silver, then an unseasonable time detracts as much from the thing or word, done or spoken : We hold (under your favours) that the time is not seasonable now for this Addition ; it is true, that of it self, Sovereign Power is a thing always so Sacred, that to handle it otherwise than tenderly, is a kind of Sacrilege, and to speak of it otherwise than reverently, is a kind of Blasphemy ; but every vulgar capacity is not so affected, the most part of men, nay, almost all men, judge and esteem all things, not according to their own intrinsick virtue and quality, but according to their immediate effects and operations, which the same things have upon them : Hence it is, that Religion it self receiveth more or less credit or approbation, as the Teachers or Professors are worse or better ; yea, if God himself send a very wet Harvest or Seed-time, men are apt enough to censure Divine Power, The Sovereign Power hath not now, for the present, the ancient amiable aspect, in respect of some late sad influences, but by Gods Grace it will soon recover.

B ‘ To intermix with this Petition any mention of Sovereign Power, *rebus sic stantibus*, when angry men say, Sovereign Power hath been abused, and the most moderate wish it had not been so used, we hold it not seasonable, under your Lordships correction.

C ‘ *A loco.* Our next Argument is drawn *a loco* : we think *the place* where your Lordships would have this Addition inserted (*viz.*) in the Petition, no convenient or seasonable place ; your Lordships will easily believe, that this Petition will run through many hands, every man will be desirous to see and to read, what their Knights and their Burgesseſ have done in Parliament upon their complaints, what they have brought home for their five Subsidies ; If, in perusing of this Petition, they fall upon the mention of Sovereign Power, they presently fall to arguing and reasoning, and descanting, what Sovereign Power is, what is the Latitude, whence the Original, and where the Bounds ? with many such curious and captious questions ; by which course, Sovereign Power is little advanced or advantaged ; for I have ever been of opinion, that it is then best with Sovereign Power, when it is had in *tacite veneration*, not when it is profaned by publick hearings or examinations.

D ‘ Our last Argument is drawn from our *Duty* and *Loyalty* to his Majesty, in consideration whereof, we are fearful at this time to take this Addition into our Petition, lest we should do his Majesty herein some disservice : with your Lordships we make the great Council of the King & Kingdom ; and though your Lordships, having the happiness to be near his Majesty, know other things better, yet certainly the state and condition of the several parts for which we serve, their dispositions and inclinations, their apprehensions, their fears and jealousies, are best known unto us : and here I pray your Lordships to give me leave to use the Figure called *Reticentia*, that is, to insinuate and intimate more than I mean to speak : Our chief and principal end in this Parliament, is, to make up all Rents and Breaches between the King and his Subjects, to draw them, and knit them together, from that distance, whereof the world abroad takes too much notice, to work a perf<sup>c</sup>& union and reconciliation : how unproperly and unapt at this time this Addition will be in respect of this end, we cannot but foresee, and therefore shun it, and do resolve, that it is neither agreeable to the Persons of such Counsellors, of whom we are, nor answerable to that Love and Duty which we owe to his Majesty, to hazard an end of such unspeakable consequence, upon the admittance of this Addi-

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tion into our Petition, whereof (as we have shewed) the omission at this time can by no means harm the Kings Prerogative, the expression may produce manifold inconveniences: and therefore since the admittance of your Lordships Addition into our Petition, is incoherent and incompatible with the body of the same; since there is no necessary use of it for the saving of the Kings Prerogative; since the moderation of our Petition deserveth your Lordships chearful conjunction with us; since this Addition is unseasonable for the time, and inconvenient in respect of the place where your Lordships would have it inserted; and lastly, may prove a disservice to his Majesty. I conclude with a most affectionate Prayer to your Lordships, to conclude with the House of Commons, in presenting this Petition to his Sacred Majesty, as it is, without this Addition.

**Monday 26. of May, the Lord Keeper made this Speech at a Conference.**

The Lords and Commons agree touching the Petition of Right.

Gentlemen,

Ye that are Knights, Citizens, and Burgesses of the House of Commons, I have many times this Parliament by command from my Lords, declaring the great zeal and affection which my Lords have to maintain and nourish the good concurrence and correspondency which hath hitherto continued between both Houses, that there might be a happy issue in this great busines, for the common good of the King and Kingdom. Now that which I have to say this day from my Lords, is, to let you know, this fair proceeding is not a profession of words only, but really and indeed concerning the Petition, which hath been long in agitation, as the weight of the cause required: since the last Conference, my Lords have taken it into their serious and instant consideration, and at length are fallen upon a Resolution, which I am to acquaint you with.

The Lords have unanimously agreed with you *in omnibus*, and have voted, that they will joyn with you in your Petition, with the only alteration of the word [*means*] to be put instead of the word [*pretext*] and for the word [*unlawful*] to be put out, and in place thereof to add [*not warrantable by the Laws and Statutes of the Realm.*] Which two alterations your selves consented unto.

So that concerning this busines there remains nothing now, but that having the Petition in your hands, ye will (if ye have not already) vote it as they have done, and so prepare it for his Majesty; and my Lords will take order, that the King be moved for a speedy access to present the same to his Majesty.

And, after some pause, he said, 'There rests one thing which my Lords have commanded me to add, that in regard this Petition toucheth upon certain Charges raised by the Lords Lieutenants, and other Persons, many times for good use, for the service and safety of the Kingdom; That ye take it into your care and consideration, and to provide a Law for Aſſeſſing of such Charges, as the occasion of the time shall require.'

The Lords and Commons being thus happily accorded, the Petition, with the aforesaid amendments, was read in the House two several times together: Then it was voted upon question, and that it should be ingrossed, and read the third time, and the House to sit in the after noon till it was ingrossed, and read, and ordered to be presented to the King, to

A to which there was not a negative Vote. And the Bill of Subsidy was also read the second time, and committed.

Wednesday 28 May, the Lords and Commons had a Conference about the manner of delivery of the Petition ; and Sir Ed. Cook reported, That their Lordships were agreed, That no Addition or Preface be used to the King, but that the Petition be preferred to his Majesty by command of the Lords and Commons; and his Majesty be desired, that to the content of his People, he would be pleased to give his gracious Answer in full Parliament.

B About this time Mr. Rouse brought in a Charge against Dr. Edward Manwaring, which some days after was seconded with a Declaration.

C Mr. Speaker,

I Am to deliver from the Committee a Charge against Mr. Manwaring, a Preacher in Divinity ; but a man so criminous, that he hath turned his Titles into Accusation ; for the better they are, the worse is he that dishonours them.

Mr. Rouse a-  
gainst Dr. Ed.  
Manwaring.

Here is a great Charge that lies upon him, it is great in it self, and great, because it hath many great Charges in it ; Serpens qui serpentem devorat fit draco, his Charge having digested many Charges into it, becomes a Monster of Charges.

The main and great one in this Plot and Practice, to alter and subvert the Frame and Fabrick of this Estate and Common-wealth.

This is the great one, and it hath others in it that gives it more light. To this end,

D 1. He labours to infuse into the Conscience of his Majesty, the perswasion of a Power not bounding it self with Laws, which King James of famous memory, calls, in his Speech to the Parliament, Tyranny, yea, Tyranny accompanied with Perjury.

2. He endeavours to perswade the Conscience of the Subjects, that they are bound to obey Commands illegal ; yea, he damns them for not obeying them.

3. He robs the Subjects of the Propriety of their Goods.

4. He brands them that will not lose this Propriety with most scandalous Speech, and odious Titles, to make them both hateful to Prince and People ; so to set a division between the Head and the Members, and between the Members themselves.

E 5. To the same end, not much unlike to Faux and his Fellows, he seeks to blow up Parliaments, and Parliamentary Powers.

F ' The Fifth being duly viewed, will appear to be so many Charges, and they make up all the great and main Charge, a mischievous Plot to alter and subvert the Frame and Government of this State and Common-wealth.

' And now, though you may be sure, that Mr. Manwaring leaves us no propriety in our goods, ye he hath an absolute propriety in this Charge ; hear himself making up his own Charge. Here he read several passages out of his Book, and then proceeded and said ; ' You have heard his Charge made up by his own words, and withall I doubt not but you seem to hear the voice of that wicked one [ Quid dabitis ? ] what will you give me, and I will betray this State, Kingdom, and Common-wealth ?

' But there are two Observations ( I might add a third, which is like unto

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unto a three-fold Cord, which cannot easily be broken ) will draw the Charge more violently upon him.

The first is of the Time when this Doctrine of destruction was set forth ; it was preached in the heart of the Loan, and it was printed in the beginning of that Term which ended in a *Remittitur* : So that you might guess there might be a double Plot, by the Law and Conscience, to set on fire the frame and estate of this Common-wealth : And one of these entailed Foxes was Mr. *Manwaring*.

Another note may be taken of the time, that is, the unseasonableness of it ; for this Doctrine of the Loan (in case of necessity) was the year after an assent in Parliament to Four Subsidies and Three Fifteens, which might serve for a sufficient stopple for the Doctors mouth, to keep in his Doctrine of Necessity.

A second observation may be of the means by which he seeks to destroy this Common-wealth ; his means are Divinity, yea, by his Divinity he would destroy both King and Kingdom.

The King : for there can be no greater mischief to a Prince, than to put the opinion of Deity into his ears ; for if from his ears it should have pasted to his heart, it had been mortal : You know how *Herod* perished. Now this man gives a participation of Divine Omnipotence to Kings ; and though a part may seem to qualify, yet all doth seem again to fill up that qualification, and very dangerously, if we remember that God saith of himself, *I am a jealous God*.

He goes about to destroy the Kingdom and Common-wealth by his Divinity ; but do we find in Scripture such a destroying Divinity ? Surely I find there, that *God is a God of order, and not of confusion* : and that *the Son of God came to save, and not to destroy*. By which it seems he hath not his Divinity from God, nor from the Son of God : And that we may be sure he went to Hell for Divinity, he names sundry Jesuites and Friers, with whom he consulted and traded for his Divinity. But not to bely Hell it self, the Jesuites are honester than he : for if he had not brought more Hell unto them than he found with them, he had not found this Divinity in them which he hath brought forth ; yea, in his quotations he hath used those shifts and falsehoods, for which Boys are to be whipt in Schools, and yet by them he thinks to carry the Cause of a Kingdom.

But, for a conclusion, to give the true character of this man, whom I never saw, I will shew it you by one whom I know to be contrary to him : *Samuel* we know all to be a true Prophet ; now we read of *Samuel*, that *he writ the Law of the Kingdom in a Book, and laid it up before the Lord*. And this he did, as one of Mr. *Manwaring*'s own Authors affirms, that the King may know what to command, and the People what to obey ; but Mr. *Manwaring* finding the Law of this Kingdom written in Books, tears it in pieces, and that in the presence of the Lord in a Pulpit, that the King may not know what to command, nor the People what to obey.

Thus Mr. *Manwaring* being contrary to a true Prophet, must needs be a false one, and the Judgment of a false Prophet belongs to him.

I have shewed you an evil Tree, that bringeth forth evil fruit ; and now it rests with you to determine, whether the following Sentence shall follow, *Cut it down, and cast it into the fire*.

**A**bout this time the Mayor of *Plimouth* certified to the Burgesse, serving for that Town in Parliament, the Examination of *Le Brun*, a French-man, Captain of the *Mary of Rochel*, taken the 16 of May, 1628. *viz.*

- viz. The Examinate saith, That on Sunday, being the 17 of April last past, he departed from Plymouth-Harbour in company with the English Fleet, whereof the Earl of Denbigh is General: and on the first day of May, then following, the said Fleet arrived and came at Anchor at Charleroy in the Rode of Rochel, about four of the clock in the after-noon; whereat the said arrival, they found twenty Sail of the King of France his Ships, whereof six were Ships of about 300 Tuns, and the rest were small Ships; and forthwith the said French Ships put themselves to sail, and went in nearer to the Fortifications, where they also Anchored within two Canon shot of the English Fleet, and said, That one of his Majesties Ships shot off one Piece of Ordnance, and no more; and that the said French Ships, as they returned from the English Fleet, shot off oftentimes to them, and that the same Fleet remained there until the eighth day of the said month of May; in which time there was a Wherry sent from the Fleet into Rochel, wherein there were two English and one French-man, to inquire the state of the said Town; and that if they were there safe arrived, they should make a fire upon one of the Towers of the Town to give notice thereof; which accordingly they did, and also to make so many fires more on the Walls of the said Town, as they have months Victuals there; but they made not any answer thereof: whence it was collected, that they had but a small quantity of Victuals; and said, That the said English, as he hath heard, promised to sink the said French Ships when the waters did increase; and the Wind came at West-north-west, it being then Neap-tides, and about two days after the waters did increase, and the winds came accordingly; and being then intreated to fight with them, yet did not, but came away without fighting or relieving the Town; and saith, That on the eighth day of May, the said English Fleet weighed Anchor, and set Sail to depart; and four of the French great Ships weighed Anchor also, and came after them, and shot divers times at the said Fleet, and the said Fleet shot at them again. And the said Examinate came in company with the said Fleet as far as Bell-Isle, where he departed from them on the tenth of this instant. And lastly, saith, That during all the time the English Fleet was there, the Town of Rochel shot to the King of France his Ships and Fort, but chiefly upon the arrival of the said Fleet there.

This Examination being communicated to the Council-Table, it procured this ensuing Letter from the Privy-Council to the Duke, dated the 30 of May, 1628. viz.

**E** **W**hereas it is his Majesties pleasure, that the Earl of Denbigh shall return back to relieve the Town of Rochel, with the Fleet under his Charge: We do therefore pray your Grace, to signify this his Majesties pleasure unto the said Earl, and to give him special charge and direction, so soon as the said Fleet, or the greatest part thereof, shall be re-assembled and joined together; then presently, with the first opportunity of Wind, taking into his charge also the Ships stayed and prepared at Portsmouth and Plymouth, together with such Fire-ships and other Vessels, as shall be provided for this Expedition, to return to Rochel with all possible diligence, and do his best endeavour to relieve the same; letting his Lordship know, that order is taken for the Victualling of the Fleet by Petty Warrant, so long as it remaineth in Harbour, for the sparing and lengthning of the Sea-Victuals: And if it so fall out, that the Earl of Denbigh do set forward on his Voyage towards Rochel, before the whole Fleet shall be joined with him, we pray your Grace to give him such direction, that he may leave order, that the Ships which are behind shall follow him with all speed.

Monday

An. 1628.

Monday 2. June.

*The King came to the Parliament, and spake thus in brief to both Houses.*

Gentlemen,

I Am come hither to perform my duty, I think no man can think it long, since I have not taken so many days in answering the Petition, as ye spent weeks in framing it: And I am come hither to shew you, that as well in formal things as in essential, I desire to give you as much content as in me lies.

*After this, the Lord Keeper spake as followeth.*

MY Lords, and ye the Knights, Citizens, and Burgesses of the House of Commons, his Majesty hath commanded me to say unto you, That he takes it in good part, that in consideration of settling your own Liberties, ye have generally professed in both Houses, that ye have no intention to lessen or diminish his Majesties Prerogative; wherein as ye have cleared your own intentions, so now his Majesty comes to clear his, and to subscribe a firm League with his People, which is ever likely to be most constant and perpetual when the Conditions are equal, and known to be so: These cannot be in a more happy estate, than when your Liberties shall be an ornament and a strength to his Majesties Prerogative, and his Prerogative a defence of your Liberties; in which his Majesty doubts not, but both he and you shall take a mutual comfort hereafter; and, for his part, he is resolved to give an example, in the using of his Power for the preservation of your Liberties, that hereafter ye shall have no cause to complain. This is the sum of that which I am to say to you from his Majesty: And that which farther remains, is, That you hear read your own Petition, and his Majesties gracious Answer.

*The Petition exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the Kings Majesties Royal Answer thereunto in full Parliament.*

To the King's most Excellent Majesty.

Humbly shew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, That whereas it is Declared and Enacted by a Statute made in the time of the Reign of K. Edward the First, commonly called, Statutum de Tallagio non concedendo, That no Tallage or Aid shall be laid or levied, by the King or his Heirs, in this Realm, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the Freeman of the Commonalty of this Realm: And by Authority of Parliament holden in the five and twentieth year of the Reign of King Edward the Third, it is Declared and Enacted, That from thenceforth no person shall be compelled to make any Loans to the King against his will, because such Loans were against Reason, and the Franchise of the Land; and by other Laws of this Realm it is provided, That none should be charged by any Charge or Imposition, called a Benevolence, nor by such like Charge, by which the Statutes

Statutes before-mentioned, and other the good Laws and Statutes of this Realm, your Subjects have inherited this freedom, That they should not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not set by common consent in Parliament.

Pet nevertheless, of late, divers Commissions, directed to sundry Commissioners in several Counties, with instructions, have issued, by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an Oath administered unto them, not warrantable by the Laws or Statutes of this Realm, and have been constrained to become bound to make appearance, and give attendance before your Privy-Council, and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted: And divers other Charges have been laid and levied upon your people in several Counties, by Lords Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace, and others, by command and direction from your Majesty, or your Privy-Council, against the Laws and free Customs of this Realm.

And where also by the Statute called The great Charter of the Liberties of England, it is declared and enacted, That no Freeman may be taken or imprisoned, or be disseised of his Freeholds or Liberties, or his free Customs, or be Outlawed or Exiled, or in any manner destroyed, but by the lawful Judgment of his Peers, or by the Law of the Land.

9 Hen. 3. 29.

And in the 28 year of the Reign of King Edward the Third, it was declared and Enacted by Authority of Parliament, That no man of what estate or condition that he be, should be put out of his Lands or Tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of Law.

28 Ed. 3. 3.

Nevertheless against the tenor of the said Statutes, and other the good Laws and Statutes of your Realm, to that end provided, divers of your Subjects have of late been imprisoned, without any cause shewed; and when for their deliverance they were brought before your Justices, by your Majesty's Writs of Habeas Corpus, there to undergo and receive as the Court should order, and their Keepers commanded to certifie the causes of their detainer; no cause was certified, but that they were detained by your Majesty's special Command, signified by the Lords of your Privy-Council, and yet were returned back to several Prisons, without being charged with any thing to which they might make answer according to the Law.

37 Ed. 3. 18.

38 Ed. 3. 9.

42 Ed. 3. 3.

17 Ric. 2. 6.

And whereas of late great Companies of Soldiers and Mariners have been dispersed into divers Counties of the Realm, and the Inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the Laws & Customs of this Realm, and to the great grievance and vexation of the people.

And whereas also by Authority of Parliament, in the 25 year of the Reign of R. Edward 3. it is declared and enacted, That no man shall be forejudged of life or limb against the form of the great Charter, and the Law of the Land: and by the said great Charter, & other the Laws and Statutes of this your Realm, no man ought to be adjudged to death, but by the Laws established in this your Realm, either by the Customs of the same Realm, or by Acts of Parliament: And whereas no offender of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted by the Laws and Statutes of this your Realm;

25 Ed. 3. 9.

9 Hen. 3. 29.

25 Ed. 3. 4.

28 Ed. 3. 3.

A. n. 1628.

Nevertheless of late, divers Commissions under your Majesty's Great Seal have issued forth, by which, certain persons have been assigned and appointed Commissioners with Power and Authority to proceed within the Land, according to the Justice of Martial Law against such Soldiers and Marriners, or other dissolute persons joyning with them, as should commit any Murder, Robbery, Felony, Mutiny, or other Outrage or Misoemeanor whatsoever; and by such summary course and Order, as is agreeable to Martial Law, and is used in Armies in time of War, to proceed to the trial & condemnation of such offenders, and them to cause to be executed and put to death, according to the Law Martial.

By pretext whereof, some of your Majesty's Subjects have been by some of the said Commissioners put to death, when and where, if by the Laws and Statutes of the Land they had deserved death, by the same Laws and Statutes also they might, and by no other ought to have been adjudged and executed.

And also sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers and Ministers of Justice have unjustly refused, or forborn to proceed against such offenders according to the same Laws and Statutes, upon pretence, that the said offenders were punishable only by Martial Law, and by Authority of such Commissions as aforesaid; which Commissions, and all others of like nature, are wholly and directly contrary to the said Laws and Statutes of this your Realm.

The Petition.

They do therefore humbly pray your most excellent Majesty, That no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like charge, without common consent by Act of Parliament; and that none be called to make answer, or take such Oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof: And that no free-man, in any such manner as is before-mentioned, be imprisoned or detained: And that your Majesty will be pleased to remove the said Soldiers & Marriners, and that your People may not be so burdened in time to come: And that the foresaid Commissions for proceeding by Martial Law, may be revoked and annulled; And that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them, any of your Majesty's Subjects be destroyed or put to death, contrary to the Laws & Franchise of the Land.

All which they most humbly pray of your most excellent Majesty, as their Rights and Liberties, according to the Laws and Statutes of this Realm: And that your Majesty would also vouchsafe to declare, That the awards, doings, and proceedings, to the prejudice of your People, in any of the premisses, shall not be drawn hereafter into consequence or example: And that your Majesty would be also graciously pleased, for the further comfort and safety of your People, to declare your Royal will and pleasure, That in the things aforesaid, all your Officers and Ministers shall serve you, according to the Laws and Statutes of this Realm, as they tender the Honour of your Majesty, and the Prosperity of this Kingdom. Which Petition being read the 2. of June, 1628. the King's Answer was thus delivered unto it.

The King willetteth, that Right be done according to the Laws and Customs of the Realm; and that the Statutes be put in due execution, that his Subjects may have no cause to complain of any wrong or oppressions, contrary

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trary to their just Rights and Liberties, to the preservation whereof, he holds himself in conscience as well obliged, as of his Prerogative.

A On Tuesday, June 3. the Kings Answer was read in the House of Commons, and seemed too scant, in regard of so much expence of time and labour, as had been employed in contriving the Petition: Whereupon Sir John Elliot stood up, and made a long Speech, wherein he gave forth so full and lively representation of all Grievances, both general and particular, as if they had never before been mentioned.

4 Caroli.

The Answer debated.

B **H**E reduced the cause of all our Evils to Five heads: Our insincerity and doubling in Religion, which he exemplified by the freedom and increase of Papists; by the composition with them in the North; the slightness of those payments, and the easiness in them; by the hopes, presumptions, and reports of all the Papists generally; by the disposition of Commanders, the trust of Officers, the confidence of secrerries of employments in this Kingdom, in *Ireland*, and elsewhere.

C ‘ 2. Our want of Council, which sacrificed our Honour and our Men sent to the *Palatinate*, stopping those greater Supplies appointed for that Service, by which it might have been made defensible; this gave direction to that late Expedition to *Rhee*, whose wounds are yet bleeding, by means whereof, the Protestants of *France*, and their King, by a necessary consequence, are divided, and that Country so prepared against us, that we have nothing to promise our Neighbours, hardly for ourselves; insomuch as by the issue and success, it may rather be thought a conception of *Spain*, than begotten here by us.

D ‘ 3. The insufficiency and unfaithfulness of our Generals: Witness first, the Expedition to *Cales*, where we arrived, and found a Conquest ready, (*viz.*) the Spanish Ships, fit for the satisfaction of a Voyage, either in point of Honour, or in point of Profit: Why was it neglected? why was it not atchieved, it being granted on all hands feisible? When the whole Army Landed, why was there nothing attempted? If nothing were intended, wherefore did they land? If there were a Service, why were they Shipt again? Witness, secondly, that to *Rhee*, where the whole Action was carried against the judgment and opinion of the Officers, (*viz.*) those that were of the Council? was not the first, was not the last, was not all, at land in the intrenching, in the continuance there, in the assault, in the retreat, without their assent? To say nothing of leaving the Wines and the Salt, which were in our possession, and of a value, as they say, to answer much of our Expence; nor of that wonder, which no *Alexander* or *Cæsar* ever did know, the enriching of an Enemy by courtesies, when the Soldiers want help, nor of the private Entercourses and Parleys with the Fort, which continually we held; what they intended, may be read in the Success.

E ‘ 4. Witness the last Voyage to *Rochel*, which needs no observation, and is fresh in memory.

F ‘ 5. The ignorance and corruption of our Ministers. Survey the Court, survey the Countrey, the Church, the City, the Bar, the Bench, the Courts, the Shipping, the Land, the Seas, all will yield variety of proofs: The Exchequer is empty, the reputation thereof gone, the ancient Lands are sold, the Jewels pawn'd, the Plate engag'd, the Debt still great, almost all Charges both extraordinary and ordinary by Projects.

G ‘ 6. The oppression of the Subject; it needs no demonstration, the whole Kingdom is a proof, and that oppression speaks the exhausting of

Sir John Elliot's Speech in the laying open of Grievances.

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our Treasures; what waste of our Provisions, what consumption of our Ships, what destruction of our Men have been? witness the Voyage to *Algier*, witness that of *Mansfield*, with that to *Cales*, witness the next, witness that to *Rhee*, witness the last, witness the *Palatinate*, witness the *Turks*, witness the *Dunkirks*, witness all: We were never so much weakened, nor had less hopes how to be restored.

These, Mr. Speaker, are our dangers, these are they do threaten us, and those are like that *Trojan Horse*, brought in cunningly to surprise us; in these we do lurk the strongest of our Enemies ready to issue on us, and if we do not now the more speedily expel them, these are the sign, the invitation to others.

These will prepare their entrance, that we shall have no means left of refuge or defence; for if we have these Enemies at home, how can we strive with those that are abroad? if we be free from these, no other can impeach us: Our ancient *English* virtue, that old *Spartan* valour, cleared from these disorders, being in sincerity of Religion once made friends with Heaven, having maturity of Counsels, sufficiency of Generals, incorruption of Officers, opulence in the King, Liberty in the People, repletion in Treasures, restitution of Provisions, reparation of Ships, preservation of Men.

Our ancient *English* virtue thus rectifi'd, I say, will secure us; and unless there be a speedy reformation in these, I know not what hopes or expectations we may have.

These things, Sir, I shall desire to have taken into consideration, that as we are the great Council of the Kingdom, and have the apprehension of these dangers, we may truly represent them unto the King, wherein, I conceive, we are bound by a treble Obligation, of duty unto God, of duty to his Majesty, and of duty to our Countrey.

And therefore I wish it may so stand with the Wisdom and Judgment of the House, that they may be drawn into the body of a Remonstrance, and therein all humbly expressed with a Prayer unto his Majesty, for the safety of himself, and for the safety of the Kingdom, and for the safety of Religion, that he will be pleased to give us time to make perfect inquisition thereof, or to take them into his own wisdom, and there give them such timely reformation, as the necessity of the Cause, and his Justice doth import.

And thus, Sir, with a large affection and loyalty to his Majesty, and with a firm duty and service to my Countrey, I have suddenly, and, it may be, with some disorder, expressed the weak apprehension I have; wherein if I have erred, I humbly crave your pardon, and so submit to the Censure of the House.

Some against  
the recapitula-  
ting of Grie-  
vances.

IT seemed to others not suitable to the Wisdom of the House, in that conjuncture, to begin to recapitulate those misfortunes which were now obvious to all, accounting it more discretion not to look back, but forward: and since the King was so near to meet him, that the happiness expected might not be lost: and these were for petitioning his Majesty for a fuller Answer.

Exceptions to  
Sir John Eli-  
ott's Speech.

IT was intimated by Sir *Henry Martin*, that this Speech of Sir *John Elliot* was suggested from disaffection to his Majesty; and there wanted not some who said, it was made out of some distrust of his Majesties Answer to the Petition; but Sir *John Elliot* protested the contrary, and

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' and that himself and others had a resolution to open these last mentioned Grievances, to satisfie his Majesty therein, only they stayed for an opportunity: Which averment of Sir John Elliot's was attested by Sir Thomas Wentworth, and Sir Robert Philips.

A **W**Hilst Sir John Elliot was speaking, an interruption was made by Sir Humphrey May, expressing a dislike; but he was commanded by the Commons to go on: and being afterward questioned by a passage in that Speech, *viz.* *That some actions seemed to be but conceptions of Spain,* he explained himself, that in respect of the affairs of Denmark, the engagement of that unfortunate accident of Rhee, he conceived was a conception of Spain, rather than to have any motion from our Council here.

B **I**N this Debate Sir Edward Cook propounded, That an humble Remonstrance be presented to his Majesty, touching the dangers and means of safety of King and Kingdom: which resolution was taken by the House, and thereupon they turned themselves into a Grand Committee, and the Committee for the Bill of Subsidies was ordered to expedite the said Remonstrance.

More Excepti-  
ons.sir Edward  
cook.

C **T**HAT his Majesty having, upon the Petition exhibited by both Houses, given an Answer full of Justice and Grace, for which we and our Posterity have just cause to bless his Majesty, it is now time to grow to a conclusion of the Session; and therefore his Majesty thinks fit to let you know, That as he doth resolve to abide by that Answer, without further change or alteration, so he will Royally and Really perform unto you what he hath thereby promised: and further, That he resolves to end this Session upon Wednesday the 11 of this month; and therefore wisheth, that the House will seriously attend those businesses, which may best bring the Session to a happy conclusion, without entertaining new matters, and so husband the time, that his Majesty may with the more comfort bring us speedily together again: at which time, if there be any further Grievances not contained, or expressed in the Petition, they may be more maturely considered than the time will now permit.

A Message  
from the King  
to the House  
of Commons  
to end the  
Sessions.

D **A**fter the reading of this Message, the House proceeded with a Declaration against Dr. Manwaring, which was the same day presented to the Lords at a Conference, betwixt the Committees of both Houses of Parliament: and Mr. Pym was appointed by the House of Commons to manage that Conference.

### *The Declaration of the Commons against Dr. Manwaring, Clerk and Doctor in Divinity.*

E **F**OR the more effectual prevention of the apparent ruine and destruction of this Kingdom, which must necessarily ensue, if the good and fundamental Laws and Customs therein established, should be brought into contempt, and violated, and that form of Government thereby altered, by which it hath been so long maintained in peace and happiness, and to the Honour of our Sovereign Lord the King, and for the preservation of his Crown and Dignity: The Commons in this present

Parlia-

An. 1623.

Parliament assembled, do, by this their Bill shew, and declare against Roger Manwaring, Clerk, Doctor in Divinity, That whereas by the Laws and Statutes of this Realm, the free Subjects of England do undoubtedly inherit this Right and Liberty, not to be compelled to contribute any Tax, Tallage, Aid, or to make any Loans, not set or imposed by common consent, by Act of Parliament. And divers of his Majesties loving Subjects, relying upon the said Laws and Customs, did, in all humility, refuse to lend such sums of Moneys, without Authority of Parliament, as were lately required of them.

Nevertheless he the said Roger Manwaring, in contempt, & contrary to the Laws of this Realm, hath lately preached in his Majesties presence, two several Sermons, that is to say, the fourth day of July last one of the said Sermons, and upon the 29 day of the same month the other of the said Sermons; both which Sermons he hath since published in print in a Book intituled, Religion and Allegiance; and with a wicked and malicious intention, to seduce and misguide the Conscience of the Kings most excellent Majesty, touching the observation of the Laws and Customs of this Kingdom, and of the Rights and Liberties of the Subjects, to incense his Royal displeasure against his good Subjects so refusing, to scandalize, subvert, and impeach the good Laws and Government of this Realm, and the Authority of the High Court of Parliament, to alienate his Royal heart from his People, and to cause jealousies, sedition, and division in the Kingdom. He the said Roger Manwaring doth in the said Sermons and Book perswade the Kings most excellent Majesty,

First, That his Majesty is not bound to keep and observe the good Laws and Customs of this Realm, concerning the Rights and Liberties of the Subjects aforesaid: And that his Royal Will and Command in imposing Loans, Taxes, and other Aids upon his People, without common consent in Parliament, doth so far bind the Consciences of the Subjects of this Kingdom, that they cannot refuse the same without peril of eternal damnation.

Secondly, That those of his Majesties loving Subjects, which refused the Law aforesaid, in such manner as is before cited, did therein offend against the Law of God, against his Majesties Supreme Authority, & by so doing became guilty of Impiety, Disloyalty, Rebellion, & Disobedience, and liable to many other Taxes and Censures, which he in the several parts of his Book doth most falsely & maliciously lay upon them.

Thirdly, That Authority of Parliament is not necessary for the raising of Aids and Subsidies; that the now proceeding of such Assemblies are not fit for the supply of the urgent necessities of the State, but rather apt to produce sundry impediments, to the just designs of Princes, and to give them occasion of displeasure and discontent.

All which the Commons ere ready to prove, not only by the general scope of the same Sermons & Book, but likewise by several Clauses, Assertions, & Sentences therein contained; & that he the said Roger Manwaring, by preaching and publishing the Sermons & Book aforesaid, did most unlawfully abuse his holy Function, instituted by God in his Church for the guiding of the Consciences of all his Servants, & chieftly of Sovereign Princes and Magistrates, and for the maintenance of the peace and concord betwixt all men, especially betwixt the King and his People, and hath thereby most grievously offended against the Crown & Dignity of his Majesty, and against the prosperity and good Government of this State and Commonwealth. And the said Commons, by protestation

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A tion saving to themselves the liberty of exhibiting at any time hereafter, on any other occasion or impeachment against the said Roger Manwaring, and also of replying to the Answers which he the said Roger shall make unto any of the matters contained in this present Bill of Complaint, and of offering further proof of the premises, or any of them, as the cause, according to the course of Parliament, shall require, do pray, that the said Roger Manwaring may be put to answer to all and every the premises; and that such proceeding, examination, trial, judgment, and exemplary punishment, may be thereupon had and executed, as is agreeable to Law and Justice.

*This Declaration, ingross'd in Parchment, being read, Mr. Pym addressed himself to the Lords in this manner.*

B **T**HAT he should speak to this Cause with more confidence, because he saw nothing out of himself that might discourage him: If he considered the matter, the offences were of an high nature, of easie proof; if he considered their Lordships, who were the Judges of their own Interest, their own Honour, the example of their Ancestors, the care of their Posterity, would all be Advocates with him in this cause on the behalf of the Common-wealth; if he considered the King our Sovereign (the pretence of whose Service and Prerogative might perchance be sought unto as a Defence and Shelter for this Delinquent) he could not but remember that part of his Majesty's Answer to the Petition of Right of both Houses, that he held himself bound in conscience to preserve those Liberties, which this man would perswade him to impeach: He said further, That he could not but remember his Majesty's love to Piety and Justice, manifested upon all occasions; and he knew love to be the root and spring of all other passions and affections. A man therefore hates, because he sees somewhat in that which he hates contrary to that which he loves; a man therefore is angry, because he sees somewhat in that wherewith he is angry, that gives impediment and interruption to the accomplishment of that which he loves.

D 'If this be so, by the same Act of his Apprehension, by which he believes his Majesty's love to Piety and Justice, he must needs believe his hate and detestation of this man, who went about to withdraw him from the exercise of both.

E 'Then he proceeded to that which, he said, was the Task enjoyned him, to make good every clause of that which had been read unto them: which that he might the more clearly perform, he propounded to observe that order of parts, unto which the said Declaration was naturally dissolved.

- ' 1. Of the Preamble.
- ' 2. The Body of the Charge.
- ' 3. The Conclusion, or Prayer of the Commons.

F 'The Preamble consisted altogether of recital; first, of the Inducements upon which the Commons undertook this complaint.

' The second, of those Laws and Liberties, against which the offence was committed.

' The third, of the violation of those Laws which have relation to that offence.

' From the connexion of all those recitals (he said) there did result three Positions, which he was to maintain as the ground-work and foundation of the whole cause.

' The

Mr. Pym's  
Speech at the  
delivery of the  
Charge against  
Dr. Manwaring.

An. 1628.

‘The first, That the form of Government in any State could not be altered without apparent danger of ruine to that State.

‘The second, the Law of *England*, whereby the Subject was exempted from Taxes and Loans, not granted by common consent of Parliament, was not introduced by any Statute, or by any Charter or Sanction of Princes, but was the ancient and fundamental Law, issuing from the first frame and constitution of the Kingdom.

‘The third, that this Liberty of the Subject is not only most convenient and profitable for the People, but most honorable, most necessary for the King; yea in that point of Supply for which it was endeavour'd to be broken.

‘The form of Government is that which doth actuate and dispose every part and member of a State to the common good; and as those parts give strength and ornament to the whole, so they receive from it again strength and protection in their several stations and degrees.

‘If this mutual relation and intercourse be broken, the whole frame will quickly be dissolved, and fall in pieces, and instead of this concord and interchange of support, whilst one part seekst to uphold the old form of Government, and the other part to introduce a new, they will miserably consume and devour one another. Histories are full of the calamities of whole States and Nations in such cases. It is true, that time must needs bring some alterations, and every alteration is a step and degree towards a dissolution; those things only are eternal which are constant and uniform: Therefore it is observed by the best Writers upon this Subject, that those Common-wealths have been most durable and perpetual, which have often reformed and recomposed themselves according to their first Institution and Ordinance; for by this means they repair the breaches, and counterwork the ordinary and natural effects of time.

‘The second question is as manifest, there are plain footsteps of those Laws in the Government of the *Saxons*, they were of that vigor & force, as to over-live the Conquest, nay, to give bounds and limits to the Conqueror, whose Victory gave him first hope; but the assurance and possession of the Crown he obtained by composition, in which he bound himself to observe these, and the other antient Laws and Liberties of the Kingdom, which afterwards he likewise confirmed by Oath at his Coronation: from him the said Obligation descended to his Successors. It is true, they have been often broken, they have been often confirmed by Charters of Kings, by Acts of Parliaments; but the Petitions of the Subjects, upon which those Charters and Acts were founded, were ever Petitions of Right, demanding their antient and due Liberties, not suing for any new.

‘To clear the third Position (he said) may seem to some men more a Paradox, That those Liberties of the Subject should be so Honorable, so profitable for the King, and most necessary for the supply of his Majesty. It hath been upon another occasion declared, that if those Liberties were taken away, there should remain no more industry, no more justice, no more courage; who will contend, who will endanger himself for that which is not his own?

‘But, he said, he would not insist upon any of those points, nor yet upon others very important; he said, that if those Liberties were taken away, there would remain no means for the Subjects, by any Act of Bounty or Benevolence, to ingratiate themselves to their Sovereign.

‘And he desired their Lordships to remember what profitable Prerogatives the Laws had appointed for the support of Sovereignty; as

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A     ' Wardships, Treasures-trove, Felons goods, Fines, Amercements, and  
' other Issues of Courts, Wrecks, Escheats, and many more, too long to  
' be enumerated; which for the most part are now by Charters and Grants  
' of several Princes dispersed into the hands of private persons; and that  
' besides the ancient Demesns of the Crown of *England*, *William the Con-*  
*queror* did annex, for the better maintenance of his Estate, great propor-  
tions of those Lands, which were confiscate from those *English* which per-  
fisted to withstand him; and of these, very few remain at this day in the  
Kings possession: And that since that time, the Revenue of the Crown  
had been supplied and augmented by Attainders, and other Casualties, in  
the Age of our Fathers, by the dissolution of Monasteries and Chantries  
near a third part of the whole Land being come into the Kings posses-  
sion. He remembred further, that constant and profitable Grant of the Sub-  
jects in the Act of Tunnage and Poundage. And all these, he said, were so  
alienated, anticipated, over-charged with Annuities and Assignments, that  
no means were left for the pressing and important occasions of this time,  
but the voluntary and free gift of the Subjects in Parliament.

B     ' The hearts of the People, and their bounty in Parliament, is the only  
constant Treasure and Revenue of the Crown, which cannot be exhaust-  
ed, alienated, anticipated, or otherwise charged and incumbred.

C     In his entrance into the second part, he propounded these steps, by  
which he meant to proceed.

D     1. To shew the state of the Cause, as it stood both in the Charge and  
in the Proof, that so their Lordships might the better compare them  
both together.

E     2. To take away the pretensions of mitigations and limitations of  
his opinions, which the Doctor had provided for his own defence.

F     3. To observe those circumstances of Aggravation, which might pro-  
perly be annexed to his Charge.

G     4. To propound some Precedents of former times, wherein, though  
he could not match the offence now in question (for he thought the  
like before had never been committed) yet he should produce such as  
should sufficiently declare, how forward our Ancestors would have been  
in the prosecution and condemning of such offences, if they had been  
then committed.

H     ' The Offence was prescribed in a double manner; First, by the gene-  
ral scope and intention, and by the matter and particulars of the Fact,  
whereby that intention was expressed.

I     ' In the description of the intention he observed six points, every one  
of which was a character of extreme malice and wickednes.

J     1. His attempt to misguide and seduce the Conscience of the King.  
2. To incense his Royal displeasure against his Subjects.

K     3. To scandalize, impeach, and subvert the good Laws and Govern-  
ment of the Kingdom, and authority of Parliaments.

L     4. To avert his Majesties mind from calling of Parliaments.

M     5. To alienate his Royal Heart from his People.

N     6. To cause Jealousies, Sedition, and Division in the Kingdom.

O     ' Of these Particulars (he said) he would forbear to speak further, till  
he should come to those parts of the Fact, to which they were most pro-  
perly to be applied.

P     ' The Materials of the Charge were contrived into three distinct Arti-  
cles; the first of these comprehended two Clauses.

Q     1. That his Majesty is not bound to keep and observe the good Laws

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and

An. 1628.

' and Customs of the Realm, concerning the Right and Liberty of the Subject to be exempted from all Loans, Taxes, and other Aids laid upon them, without common consent in Parliament.

' That his Majesties Will and Command in imposing any Charges upon his Subjects without such consent, doth so far bind them in their Consciences, that they cannot refuse the same without peril of eternal damnation.

' Two kinds of Proof were produced upon this Article.

' The first was from some assertions of the Doctors, concerning the Power of Kings in general, but by the necessary consequence to be applied to the King of England.

' The next kind of Proof was from his Censures, and determinations upon the particular Case of the late Loan, which by necessity and parity of reason, were likewise applicable to all Cases of the like nature. And lest by frailty of memory he might mistake the words, or invert the sense, he desired leave to resort to his Paper, wherein the places were carefully extracted out of the Book it self. And then he read each particular Clause by it self, pointing to the Page for proof, which we here forbear to mention, referring the Reader to the Book it self.

' Then he proceeded and said, That from this evidence of the Fact doth issue a clear evidence of his wicked intention to misguide and seduce the Kings Conscience, touching the observation of the Laws and Liberties of the Kingdom, to scandalize and impeach the good Laws and Government of the Realm, and the Authority of Parliaments, which are two of those Characters of malice which he formerly noted, and now inforced thus: If to give the King ill Counsel, in some one particular Action, hath heretofore been heavily punished in this high Court; how much more heinous must it needs be thought by ill Counsel to pervert and seduce his Majesties Conscience, which is the sovereign Principle of all moral actions, from which they are to receive Warrant for their direction before they be acted, and Judgment for their reformation afterwards? If *Scandalum magnatum*, Slander and Infamy cast upon great Lords and officers of the Kingdom, have been always most severely censured; how much more tender ought we to be of that Slander and Infamy which is here cast upon the Laws and Government, from whence is derived all the Honour and Reverence due to those great Lords and Magistrates?

' All men (and so the greatest and highest Magistrates) are subject to passions and partialities, whereby they may be transported into over-hard injurious crosses: Which considerations may sometimes excuse, though never justifie the railing and evil speeches of men, who have been so provoked; it being a true rule, That whatsoever gives strength and enforcement to the temptation in any sin, doth necessarily imply an abatement and diminution of guilt in that sin. But to slander and disgrace the Laws and Government, is without possibility of any such excuse, it being a simple act of a malignant Will, not induced nor excited by any outward provocation: the Laws carrying an equal and constant respect to all, ought to be reverenced equally by all. And thus he derived the Proofs and Inforcements, upon the first Article of the Charge.

' The second Article he said contained three Clauses.

' 1. That these Refusers had offended against the Law of God.

' 2. Against the Supream Authority.

' 3. By so doing, were become guilty of Impiety, Disloyalty, Rebellion, Disobedience, and liable to many other Taxes.

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' For proof of all these (he said) he needed no other evidence than what  
' might be easily drawn from those places which he had read already; for  
' what impiety can be greater, than to contemn the Law of God, & to pre-  
' fer humane Laws before it? what greater disloyalty, rebellion, & disobe-  
' dience, than to depress Supreme Authority, to tie the hands and clip the  
' wings of Sovereign Princes? yet he desired their Lordships patience in  
' hearing some few other places, wherein the Stains and Taint, which the  
' Doctor endeavoured to lay upon the Refusers, might appear by the odi-  
' ousness of their comparisons, in which he doth labour to rank them.

' The first Comparison is with Popish Recusants ; yet he makes them  
' the worst of the two, and for the better resemblance, gives them a new  
' name of Temporal Recusants.

<sup>c</sup> For this he alledgedeth the 1 Sermon, page 31,32. and part of the fifth  
<sup>c</sup> Consideration by which he would perswade them to yield to this Loan.

'Fifthly, If they would consider what advantage this their Recusancy  
& in Tempore, gives to the common Advantage of the said Prelate.

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in Temporals, gives to the common Adversary, who for disobedience in Spirituals, have hitherto alone inherited that name: for that which we our selves condemn in them for so doing, and profess to hate that Religion which teacheth them so to do; that is, to refuse subjection unto Princes in Spirituals; the same, if not worse, some of our side now (if ours they be) dare to practise.

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• We must needs be argued of less Conscience, and more Ingratitude, both  
• to God and the King, if in Temporal things we obey not: They in Spi-  
• ritualis deny subjection, wherein they may perhaps frame unto themselves  
• some reasons of probability, that the offence is not so heinous, if we in  
• Temporal shall be so refractory, what colour of reason can we possibly  
• find to make our defence withall, without the utter shaming of our selves,  
• and laying a stain which cannot easily be washed out, upon that Religion  
• which his Majesty doth so graciously maintain, and our selves profess?

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' The second comparison is with *Turks* and *Jews*, in the 2d. Sermon,  
' page 47. What a Paradox is, &c. What a *Turk* will do for a *Christian*,  
' and a *Christian* for a *Turk*, and a *Jew* for both, &c. the same and much  
' less Christian men should deny to a Christian King.

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<sup>4</sup> The third comparison is with *Corah, Dathan and Abiram, Theudas and Judas*, which is taken out of the 2d. Sermon, page 49. where he labours to deprive those refusers of all merit in the sufferings for this Cause.

*Corah, Dathan and Abiram*, whom for their murmurings God suddenly sunk into Hell-fire, might as well alledge their sufferings had some resemblance with that of the three Children in the *Babylonian Furnace*; and *Theudas & Judas*, the two Incendiaries of the People, in the days of *Caesars* Tribute, might as well pretend their Cause to be like the *Maccabees*.

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**'The Third Article contained three Clauses.**

' I. That Authority of Parliament is not necessary for the raising of  
' Aids and Subsidies.

2. That the slow proceedings of such Assemblies, are not fit to supply the urgent necessity of the State.

‘3. That Parliaments are apt to produce sundry impediments to the just

A.D. 1628.

' designs of Princes, and give them occasion of displeasure and discontent.  
 ' For proof of all which he alledged two places, containing the two first  
 ' of those six Considerations, which are propounded by the Doctor, to in-  
 ' duce the refusers to yield to the Loan, in the first Sermon, page 26, 27.

' First, if they would please to consider, that though such Assemblies as  
 ' are the highest and greatest Representations of a Kingdom, be most Sa-  
 ' cred and Honourable, and necessary also to those ends to which they  
 ' were at first instituted; yet know we must, that ordained they were not  
 ' to this end, to contribute any Right to Kings, whereby to challenge tri-  
 ' butary Aids and Subsidiary Helps; but for the more equal imposing,  
 ' and more easie exacting of that which unto Kings doth appertain by  
 ' natural and original Law and Justice, as their proper Inheritance an-  
 ' nexed to their Imperial Crowns from their Birth. And therefore if by a  
 ' Magistrate that is Supreme, if upon necessity, extreme and urgent, such  
 ' Subsidiary helps be required, a proportion being held respectively to  
 ' the ability of the persons charged, and the sum and quantity so required  
 ' surmount not too remarkably the use and charge for which it was levi-  
 ' ed, very hard would it be for any man in the world, that should not  
 ' accordingly satisfie such demands, to defend his Conscience from that  
 ' heavy prejudice of resisting the Ordinance of God, and receiving to  
 ' himself damnation; though every of those Circumstances be not ob-  
 ' served, which by the Municipal Law is required.

' Secondly, if they would consider the importunitics that often may be  
 ' urgent, and pressing necessaries of State, that cannot stay without cer-  
 ' tain and apparent danger, for the motion and revolution of so great and  
 ' vast a Body as such Assemblies are, nor yet abide their long and pausing  
 ' deliberation when they are assembled, nor stand upon the answering of  
 ' those jealous and over-wary Cautions and Objections made by some,  
 ' who wedded over much to the love of epidemical & popular Errors, and  
 ' bent to cross the most just and lawful designs of their wise and gracious  
 ' Sovereign; and that under the plausible shews of singular liberty and  
 ' freedom, which, if their Conscience might speak, would appear nothing  
 ' more than the satisfying either of private humors, passions, or purposes.

' He said, he needed not draw any Arguments or Conclusions from these  
 ' places; the substance of the Charge appeared sufficiently in the words  
 ' themselves: and to this 3 Article he fixed two other of these six Cha-  
 ' racters of malice, That it is his wicked intention to avert his Majesties  
 ' mind from causing of Parliaments, and to cause Jealousies, Seditions, and  
 ' Divisions in the Kingdom; which he shortly enforced thus: If Parlia-  
 ' ments be taken away, mischiefs and disorders must needs abound, with-  
 ' out any possibility of good Laws to reform them; Grievances will daily  
 ' increase, without opportunities or means to redress them; and what rea-  
 ' dier way can there be to distractions betwixt the King and People, to  
 ' tumults and distempers in the State, than this?

' And so he concluded this third Article of the Charge.

' The Limitations whereby the Doctor had provided to justifie (or at  
 ' least to excuse) himself, were propounded to be three.

' 1. That he did not attribute to the King any such absolute Power as  
 ' might be exercised at all times, or upon all occasions, according to his  
 ' own pleasure, but only upon necessity; extreme and urgent.

' 2. That the Sum required, must be proportionable to the ability of  
 ' the party, and to the use and occasion.

' 3. That he did not say, That the substance of the Municipal or Nati-  
 ' onal

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onal Laws might be omitted or neglected, but the Circumstances only. To these were offered three Answers, the first general, the other two particular. The general Answer was this, That it is all one to leave the Power absolute, and to leave the Judgment arbitrary, when to execute that Power; for although these limitations should be admitted, yet it is left to the King alone to determine, what is an urgent and pressing necessity, what is a just proportion, both in respect of the ability, and of the use and occasion; and what shall be said to be a Circumstance, and what of the substance of the Law; and the Subject is left without remedy: the Legal bounds being taken away, no private person shall be allowed to oppose his own particular opinion in any of these points to the Kings resolution; so that all these limitations, though specious in shew, are in effect fruitless and vain.

The first particular Answer applied to that limitation of urgent necessity, was taken from the case of Normandy, as it appears in the Commentaries of *Guilme Jeremie*, upon the customary Laws of that Dutchy : they having been opprest with some Grievances, contrary to this Franchise made their complaint to *Lewis the Tenth*, which by his Charter, in the year 1314. acknowledging the Right and Custom of the Countrey, and that they had been unjustly grieved, did grant and provide, that from thence-forward they should be free from all Subsidies and Exactions to be imposed by him and his Successors ; yet with this Clause, *Si necessitie grand ne le requiret* : Which small Exception hath devoured all these Immunities ; for though these States meet every year, yet they have little or no power left, but to agree to such Levies, as the King will please to make upon them.

The second particular Answer applied to the limitation and diminution of this Power, which may be pretended to be made by this word, *Circumstance*, as if he did acknowledge the King to be bound to the substance of the Law, and free only in regard of the manner; whereas if the places be observed, it will appear, that he intends by that word, *The Assembly of Parliaments, and Assent of the People*, such Contribution, which is the very substance of the Right and Liberty now in question.

' The Circumstances of Aggravation observed to be annexed to this  
' Cause, were these.

\* The first from the place where these Sermons were preached ; the Court, the Kings own Family, where such Doctrine was before so well believed, that no man needed to be converted. Of this there could be no end, but either Simoniacal, by flattery and soothing to make way for his own preferment, or else extreme malicious, to add new afflictions to those who lay under his Majesties wrath, disgraced and imprisoned, and to enlarge the wound which had been given to the Laws and Liberties of the Kingdom.

‘ The second was from the consideration of his holy Function : He is a Preacher of Gods Word ; and yet he had endeavoured to make that which was the only Rule of Justice and Goodnes, to be the Warrant for violence and oppression. He is a Messenger of Peace, but he had endeavoured to sow strife and dissension, not only amongst private persons, but even betwixt the King and his People, to the disturbance and danger of the whole state : He is a Spiritual Father, but like that evil Father in the Gospel, he hath given his Children Stones instead of Bread ; instead of Flesh he hath given them Scorpions. Lastly, he is a Minister of the Church of *England*, but he hath acted the part of a Romish Jesuite ; they labour

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' labour our destruction, by dissolving the Oath of Allegiance taken by  
 ' the People; he doth the same work, by dissolving the Oath of Prote-  
 ' ction and Justice taken by the King.

' A third point of Aggravation was drawn from the quality of these  
 ' Authors, upon whose Authority he doth principally rely, being for the  
 ' most part Friers and Jesuits, and from his fraud and shifting in citing  
 ' those Authors to purposes quite different from their own meanings.

' Touching which it was performed, that most of his places are such as  
 ' were intended by the Authors concerning absolute Monarchies, not re-  
 ' gulated by Laws or Contracts betwixt the King and his People; and  
 ' in Answer to all Authorities of this kind, were alledged certain passages  
 ' of a Speech from our late Sovereign King James, to the Lords and  
 ' Commons in Parliament, 1609.

' In these our times we are to distinguish betwixt the state of Kings in  
 ' their first Original, and between the state of settled Kings and Monarchs  
 ' that do at this time govern in Civil Kingdoms, &c.

' Every just King in a settled Kingdom, is bound to observe the Paction  
 ' made to his People by his Laws, in framing his Government agreeable  
 ' therunto, &c.

' All Kings that are not Tyrants or perjured, will be glad to bound  
 ' themselves within the limits of their Laws; and they that perswade  
 ' them to the contrary are Vipers and Pests, both against them and the  
 ' Common-wealth.

' It was secondly observed, that in the 27 page of his first Sermon, he  
 ' cites these words, *Suarez de legibus, lib. 5. cap. 17. Acceptationem populi non*  
*' esse conditionem necessariam ex vi Juris naturalis aut gentium, neque ex*  
*' Jure communi*, The Jesuite adds, *Neque ex antiquo Jure Hispaniae*; which  
 ' words are left out by the Doctor, lest the Reader might be invited to in-  
 ' quire what was *antiquum Jus Hispaniae*; and it might have been learned  
 ' from the same Author in another place of that Work, that about two  
 ' hundred years since, this liberty was granted to the People by one of  
 ' the Kings, that no Tribute should be imposed without their consent.  
 ' And the Author adds further, that after the Law introduced and con-  
 ' firmed by Custom, the King is bound to observe it. From this place he  
 ' took occasion to make this short digression, That the Kings of Spain be-  
 ' ing powerful and wise Princes, would never have parted with such a  
 ' mark of absolute Royalty, if they had not found in this course more  
 ' advantage than in the other, and the success and prosperity of that King-  
 ' dom, through the valour and industry of the Spanish Nation, so much  
 ' advanced since that time, do manifest the wisdom of that change.

' The third observation of fraud, in perverting his Authors, was this.  
 ' In the twentieth page of the first Sermon, he cites these words out of the  
 ' same *Suarez, de legibus, lib. 5.c.15. fol. 300. Tributa esse maxime naturalia,*  
*' & præ se ferre Justitiam, quæ exiguntur de rebus propriis*; this he pro-  
 ' duceeth in proof of the just Right of Kings to lay Tributes. And no man  
 ' that reads it doubts, but that in *Suarez* opinion, the Kings Interest and  
 ' Propriety in the Goods of his Subjects, is the ground of that Justice; but  
 ' the truth is, that *Suarez* in that Chapter had distributed Tributes into  
 ' divers kinds, of which he calls one sort, *Tributum reale*, and describes  
 ' it thus, *Solent ita vocari pensiones quædam quæ penduntur regibus & prin-*  
*' cipibus exteris & agris, quæ a principio ad sustentationem illis applicata*  
*' fuerunt, ipsi vero in feodum in aliis ea donarunt sub certa pensione annua, quæ*  
*' jure civili Canon appellari solet, quia certa regula & lege prescripta erat;*

' So

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‘ So that the issue is, this which Suarez affirms for justification of one kind of Tribute, which is no more than a Fee-farm of Rent due by reservation in the Grant of the Kings own Lands ; the Dr. herein, worse than a Jesuite, doth wrest to the justification of all kinds of Tribute exacted by Imposition upon the Goods of the Subjects, wherein the King had no interest or propriety at all.

A ‘ 4. The last aggravation was drawn from his behaviour since these Sermons preached, whereby he did continue still to multiply and increase his offence, yea, even since the sitting of the Parliament, and his being questioned in Parliament ; upon the 4<sup>th</sup> of May last he was so bold, as to publish the same Doctrine in his own Parish-Church of St. Giles ; the points of which Sermons are these.

B ‘ That the King had right to order all, as to him should seem good, without any mans consent.

B ‘ That the King might require, in time of necessity, Aid ; and if the Subjects did not supply, the King might justly avenge it.

B ‘ That the Propriety of Estates and Goods was ordinarily in the Subject ; but extraordinarily (that is, in case of the Kings need) the King hath right to dispose them.

C ‘ These Assertions in that Sermon, he said, would be proved by very good testimony, and therefore desired the Lords that it might be carefully examined, because the Commons held it to be a great contempt to the Parliament for him to maintain that so publickly, which was here questioned.

C ‘ They held it a great presumption for a private Divine to debate the Right and Power of the King, which is a matter of such a nature, as to be handled only in this High Court, and that with moderation and tenderness. And so he concluded that point of Aggravation.

D ‘ In the last place he produced some such Precedents as might testifie what the opinion of our Ancestors would have been, if this case had fallen out in their time ; and herein, he said, he would confine himself to the Reigns of the first Three Edwards, two of them Princes of great glory : He began with the Eldest, *Westm. I. ca.33.*

E ‘ By this Statute, 3 Edw. I. provision was made against those who shoul tell any false news or device, by which any discord or scandal may arise betwixt the King, his People, and great men of the Kingdom.

E ‘ 27 Edw. 3. Rot. part. m. 20. It was declared by the Kings Proclamation, sent into all the Counties of England, That they that reported that he would not observe the great Charter, were malicious people, who desired to put trouble and debate betwixt the King and his Subjects, and to disturb the peace and good estate of the King, the People, and the Realm.

F ‘ 5 Edw. 2. *Inter novas ordinationes*, Henry de Beamond, for giving the King ill counsel against his Oath, was put from the Council, and restrained from coming into the presence of the King, under pain of Confiscation and Banishment.

F ‘ 19 Edw. 2. *Clause Minidors*. Commissions were granted to inquire upon the Statute of W. I. touching the spreading of news, whereby discord and scandal might grow betwixt the King and his People.

F ‘ 10 Edw. Clause M. 26. Proclamation went out to arrest all them who had presumed to report, that the King would lay upon the Wools certain Sums, besides the ancient and due Customs, where the King calls these Reports, *Exquisita mendacia, &c. quæ non tantum in publi-*

cam

An. 1628.

*cam lachonem, sed in nostrum cedunt damnum, & dedecus manifestum.*

‘ 12 Edw. 3. Rot. Almanie. The King writes to the Archbishop of Canterbury, excusing himself for some Impositions which he had laid, professing his great sorrow for it, desires the Archbishop by Indulgences and other ways to stir up the People to pray for him, hoping that God would enable him by some satisfactory benefit to make amends and comfort his Subjects for those pressures.

‘ To these temporal Precedents of ancient times which were alledged, he added an Ecclesiastical Precedent out of a Book called *Pupilla Oculi*, being published for the Instruction of Confessors, in the Title *de par. i-cipantibus cum excommunicatis*, fol. 59. All the Articles of *Magna Charta* are inserted with this direction, *Hos articulos ignorare non debent quibus incumbit confessiones audire infra provinciam Cantuariensem.*

‘ He likewise remembred the Proclamation 8 Jac. for the calling in and burning of Doctor Cowel’s Book, for which these reasons are given, For mistaking the true state of the Parliament of the Kingdom, and fundamental Constitution and Priviledges thereof: For speaking irreverently of the Common Law, it being a thing utterly unlawful for any Subject to speak or write against that Law under which he liveth, and which we are sworn and resolve to maintain.

‘ From these Precedents he collected, that if former Parliaments were so careful of false rumors and news, they would have been much more tender of such Doctrines as these, which might produce true occasions of discord betwixt the King and his People.

‘ If those who reported the King would lay Impositions, and break his Laws, were thought such hainous offenders, how much more should the man be condemned, who perswaded the King he is not bound to keep those Laws? If that great King was so far from challenging any right in this kind, that he professed his own sorrow and repentance for grieving his Subjects with unlawful Charges: If Confessors were enjoined to frame the Consciences of the People to the observances of these Laws, certainly such Doctrine, and such a Preacher as this, would have been held most strange, and abominable in all these times?

‘ The third general part was the Conclusion or Prayer of the Commons, which consisted of three Clauses.

‘ First, they reserved to themselves liberty of any other accusation, and for this, he said, there was great reason, that as the Doctor multiplied his offences, so they may renew their accusations.

‘ Secondly, they save to themselves liberty of replying to his Answer for they had great cause to think that he who would shift so much in offending, would shift much more in answering.

‘ Thirdly, they desire he might be brought to examination and judgment; this they thought would be very important for the comfort of the present Age, for the security of the future against such wicked and malicious practices; and so he concluded, that seeing the cause had strength enough to maintain it self, his humble suit to their Lordships was, That they would not observe his infirmities and defects, to the diminution or prejudice of that strength.

**N**ot long after the Commons, by their Speaker, demanded Judgment of the Lords against the Doctor; who not accounting his submission with tears and grief, a satisfaction for the great offence wherewith he stood charged, gave this Sentence.

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1. That Dr. *Munwaring*, Doctor in Divinity, shall be imprisoned during the pleasure of the House.
  2. That he be fined One thousand pounds to the King.
  3. That he shall make such submission and acknowledgment of his offences, as shall be set down by a Committee in writing, both at the Bar, and in the House of Commons.
  4. That he shall be suspended, for the term of Three years, from the exercise of the Ministry, and in the meantime a sufficient preaching Minister shall be provided out of his Livings to serve the Cure: This Suspension and Provision to be done by the Ecclesiastical Jurisdiction.
  5. That he shall be hereafter disabled to have any Ecclesiastical Dignity, or Secular Office.
  6. That he shall be for ever disabled to preach at the Court hereafter.
  7. That his said Book is worthy to be burnt, and that for the better effecting of this, his Majesty may be moved to grant a Proclamation to call in the said Books, that they may be all burnt accordingly, in *London*, and both the Universities, and for the inhibiting the printing thereof, upon a great Penalty.

4 *Caroli.*  
Judgment gi-  
ven against Dr.  
Manwaring.

*Doctor Manwaring's submission was in these words.*

May it please this Honourable House, I do here in all sorrow of heart, and true repentance, acknowledge the many Errors and Indiscretions which I have committed, in preaching and publishing those two Sermons of mine, which I called *Religion and Allegiance*; and my great fault in falling upon this Theme again, and handling the same rashly and unadvisedly in my own Parish Church of St. Giles in the Fields, the fourth of May last past. I do fully acknowledge those three Sermons to have been full of many dangerous Passages, Inferences, and scandalous Aspersions in most part of the same: And I do humbly acknowledge the Justice of this Honourable House, in that Judgment and Sentence passed upon me for my great offence: And I do from the bottom of my heart crave pardon of God, the King, and this Honourable House, and the Church, and this Common-wealth in general, and those worthy Persons adjudged to be reflected upon by me, in particular, for these great Errors and offences.

Roger Manwaring.

**Dr. Manwaring's Submission.**

*Another Message was brought from his Majesty by  
the Speaker, Tuesday 5. of June.*

E His Majesty wished them to remember the Message he last sent them, by which he set a day for the end of this Session, and he commanded the Speaker to let them know, that he will certainly hold that day prefix'd without alteration; and because that cannot be, if the House entertain more business of length, he requires them, that they enter not into, or proceed with any new business, which may spend greater time, or which may lay any scandal or aspersion upon the State-government, or Ministers thereof.

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## Another Mes- sage from the King.

**S**ir Rob. Philips, upon this occasion, expressed himself thus: 'I perceive, that towards God, and towards man, there is little hope, after our humble and careful endeavours, seeing our sins are many and so great: I consider my own infirmities, and if ever my Passions were wrought

Sir Robert  
Philips.

An. 1628.

upon, than now, this Message stirs me up especially ; when I remember with what moderation we have proceeded, I cannot but wonder to see the miserable strait we are now in : What have we not done to have merited ? Former times have given wounds enough to the Peoples Liberty, we came hither full of wounds, and we have cured what we could, and what is the return of all, but misery and desolation ? What did we aim at, but to have served his Majesty, and to have done that that would have made him Great and Glorious ? if this be a fault, then we are all criminous : What shall we do, since our humble purposes are thus prevented, which were not to have laid any aspersion on the Government, since it tended to no other end, but to give his Majesty true information of his and our danger ? And to this we are enforced out of a necessity of duty to the King, our Country, and to Posterity ; but we being stopped, and stopped in such manner, as we are enjoined, so we must now leave to be a Council. I hear this with that grief, as the saddest Message of the greatest loss in the world. But let us still be wise, be humble, let us make a fair Declaration to the King.

Sir John Elliot.

**O**ur sins are so exceeding great (said Sir John Elliot) that unless we speedily return to God, God will remove himself further from us ; ye know with what affection and integrity we have proceeded hitherto, to have gained his Majesties heart, and out of a necessity of our duty were brought to that course we were in : I doubt, a misrepresentation to his Majesty hath drawn this mark of his displeasure upon us : I observe in the Message amongst other sad Particulars, it is conceived, that we were about to lay some aspersions on the Government; give me leave to protest, That so clear were our intentions, that we desire only to vindicate those dishonours to our King and Country, &c. It is said also, as if we cast some aspersions on his Majesties Ministers, I am confident no Minister, how dear soever, can-----

Here the Speaker started up from the seat of the Chair, apprehending Sir John Elliot intended to fall upon the Duke, and some of the Ministers of State ; said, There is a command laid upon me, that I must command you not to proceed : Whereupon Sir John Elliot sat down.

Sir Dudley Diggs.

**I** Am as much grieved as ever, said Sir Dudley Diggs ; Must we not proceed ? let us sit in silence, we are miserable, we know not what to do.

Hereupon there was a sad silence in the House for a while, which was broken by Sir Nathaniel Rich, in these words :

Sir Nathaniel Rich.

**W**e must now speak, or for ever hold our peace ; for us to be silent when King and Kingdom are in this calamity, is not fit. The question is, whether we shall secure our selves by silence, yea or no ? I know it is more for our own security, but it is not for the security of those for whom we serve ; let us think on them : some Instruments desire a change, we fear his Majesties safety, and the safety of the Kingdom, I do not say we now see it ; and shall we now sit still and do nothing, and so be scattered ? Let us go together to the Lords, and shew our dangers, that we may then go to the King together.

Others said, That the Speech lately spoken by Sir John Elliot, had given offence (as they feared) to his Majesty.

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**A** **W**hereupon the House declared, That every Member of the House  
is free from any undutiful Speech, from the beginning of the  
Parliament to that day; and Ordered, That the House be turned into  
a Committee, to consider what is fit to be done for the safety of the  
Kingdom; and that no man go out upon pain of going to the Tower.  
But before the Speaker left the Chair, he desired leave to go forth; and  
the House ordered that he may go forth, if he please. And the House was  
hereupon turned into a Grand Committee. Mr. Whitby in the Chair.

4. Caroli.  
The Com-  
mons declare,  
that no undut-  
ful Speech hath  
been spoken.

**B** “ **I** Am as full of grief as others, said Mr. Wandesford; let us recollect  
“ our English hearts, and not sit still, but do our duties: Two ways  
“ are propounded, To go to the Lords, or to the King; I think it is fit we  
“ go to the King, for this doth concern our Liberties, and let us not fear  
“ to make a Remonstrance of our Rights; we are his Counsellors: There  
“ are some men which call evil good, and good evil, and bitter sweet:  
“ Justice is now called Popularity and Faction.

Mr. wandes-  
ford.

**C** **T**hen Sir Edward Cook spake freely; “ We have dealt with that duty  
“ and moderation that never was the like, *Rebus sic stantibus*, after  
“ such a violation of the Liberties of the Subject; let us take this to  
“ heart. In 30 E. 3. were they then in doubt in Parliament to name  
“ men that misled the King? they accused *John de Gaunt*, the King’s Son,  
“ and Lord Latimer, and Lord Nevil, for misadvising the King, and they  
“ went to the Tower for it; now when there is such a downfall of the  
“ State, shall we hold our tongues? how shall we answer our duties to  
“ God and men? 7 H. 4. Parl. Rot. numb. 31 & 32. 11 H. 4. numb. 13.  
“ there the Council are complained of, and are removed from the King;  
“ they mewed up the King, and dissuaded him from the common good;  
“ and why are we now retired from that way we were in? why may we  
“ not name those that are the cause of all our evils? In 4 H. 3. & 27 E. 3.

Sir Edw. Cook  
declares the  
Duke the  
cause of all our  
miseries.

**D** “ & 13 R. 2. the Parliament moderateth the King’s Prerogative, and no-  
“ thing grows to abuse, but this House hath power to treat of it: What  
“ shall we do? let us palliate no longer; if we do, God will not prosper  
“ us. I think the Duke of Buckingham is the cause of all our miseries;  
“ and till the King be informed thereof, we shall never go out with ho-  
“ nour, or sit with honour here; that man is the Grievance of Grievances:  
“ let us set down the causes of all our disasters, and all will reflect upon  
“ him. As for going to the Lords, that is not *via Regia*; our Libe-  
“ ties are now impeached, we are concerned; it is not *via Regia*, the  
“ Lords are not participant with our Liberties.

**E** “ **M**r. Selden advised, That a Declaration be drawn under four  
“ Heads. 1. To express the House’s dutiful carriage towards his  
“ Majesty. 2. To tender their Liberties that are violated. 3. To present  
“ what the purpose of the House was to have dealt in. 4. That that great  
“ Person, *viz.* the Duke, fearing himself to be questioned, did interpose  
“ and cause this distraction. All this time (said he) we have cast a Man-  
“ tle on what was done last Parliament; but now being driven again to  
“ look on that man, let us proceed with that which was then well begun,  
“ and let the Charge be renewed that was last Parliament against him, to  
“ which he made an Answer, but the Particulars were sufficient, that we  
“ might demand Judgment on that Answer only.

Mr. Selden’s  
advice for a  
Declaration  
against the  
Duke.

An. 1628.

Several Heads  
agreed on for a  
Remonstrance.

**I**N conclusion, the House agreed upon several Heads concerning Innovation in Religion, the safety of the King and Kingdom, misgovernment, misfortune of our late designs, with the caules of them: And whilst it was moving to be put to the question, that the Duke of *Buckingham* shall be instanced to be the chief and principal cause of all those evils, the Speaker (who after he had leave to go forth, went privately to the King) brought this Meslage,

A Message  
from the King  
by the Speaker

" **T**HAT his Majesty commands, for the present they adjourn the House till to morrow morning, and that all Committees cease in the mean time. And the House was accordingly adjourned.

**A**T the same time the King sent for the Lord Keeper to attend him presently; the House of Lords was adjourned *ab libitum*. The Lord Keeper being returned, and the House resumed, his Lordship signified his Majesty's desire, that the House and all Committees be adjourned till to morrow morning.

**A**fter this Meslage was delivered, the Lords House fearing a sudden dissolution, fell into consideration of the weak estate of the Kingdom, and of our Friends and Allies abroad; and of the great strength of the House of *Austria*, and the King of *Spain's* ambition, aspiring to an Universal Monarchy, and his present great Preparations for War. Hereupon the House was moved to name a select Committee, to represent these things to his Majesty, with the danger like to ensue to this Kingdom, if the Parliament be dissolved without a happy conclusion. But being satisfied by the Lords of the Privy-Council, that there was no such cause of fear, as the House apprehended, the naming of a Committee was for that time deferred.

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Having met in our Collections with a Letter of Mr. Allureds, to old Mr. Chamberlain of the Court of Wards, and being a concurrent proof to the passages this day in the House, we have thought fit here to mention it, *viz.*

Sir,

**V**esterday was a day of desolation among us in Parliament, and this day, A we fear, will be the day of our dissolution: Upon Tuesday, Sir John Elliot moved, That as we intended to furnish his Majesty with Money, we should also supply him with Counsel, which was one part of the occasion why we were sent by the Countrey, and called for by his Majesty: And since that House was the greatest Council of the Kingdom, where, or when should his Majesty have better Counsel than from thence; So he desired there might be a Declaration made to the King, of the danger wherein the Kingdom stood, by the decay and contempt of Religion, the insufficiency of his Generals, the un-faithfulness of his Officers, the weakness of his Counsels, the exhausting of his Treasure, the death of his Men, the decay of Trade, the loss of Shipping, the many and powerful Enemies, the few and the poor Friends we had abroad.

B In the enumerating of which, the Chancellor of the Dutchy said, It was a strange Language; yet the House commanded Sir John Elliot to go on. Then the Chancellor desired, if he went on, that himself might go out. Whereupon they all bid him be gone, yet he stayed, and heard him out: And the House generally inclined to such a Declaration, to be presented in an humble and modest manner, not prescribing the King the way, but leaving it to his judgment for reformation. So the next day, being Wednesday, we had a Message from his Majesty, by the Speaker, that the Session should end on Wednesday, and that therefore we should husband the time, and dispatch the old businesses, without entertaining new; intending to pursue their Declaration, they had this Message yesterday morning brought them, which I have here inclosed sent you, which requiring not to cast or lay any aspersion upon any Minister of his Majesty, the House was much affected to be so restrained, since the House in former times had proceeded, by fining and committing John of Gaunt, the King's Son, and others, and of late have medled with, and sentenced the Lord Chancellor Bacon, and the Lord Treasurer Cranfield. Then Sir Robert Phillips spake, and mingled his words with weeping, Mr. Prynne did the like; and Sir Edward Cook, overcome with passion, seeing the desolation likely to ensue, was forced to sit down when he began to speak, through the abundance of tears; yea, the Speaker in his Speech could not refrain from weeping and shedding of tears; besides, a great many, whose great griefs made them dumb and silent; yet some bore up in that storm, and encouraged others: In the end, they desired the Speaker to leave the Chair, and Mr. Whitby was to come into it, that they might speak the freer and frequenter, and commanded, That no man go out of the House upon pain of going to the Tower. Then the Speaker humbly and earnestly besought the House to give him leave to absent himself for half an hour, presuming they did not think he did it for any ill intentioin; which was instantly granted him. Then upon many Debates about their Liberties hereby infringed, and the imminent danger wherein the Kingdom stood; Sir Edw. Cook told them, He now saw God had not accepted of their humble and moderate carriages, and fair proceedings; and the rather, because he thought they dealt not sincerely with the King, and with the Countrey, in making a true representation of the Causes of all these miseries, which now he repented himself, since things were come to this pass, that he did it not sooner; and therefore he not knowing whether ever he should

An. 1628. should speak in this House again, would now do it freely, and there protested, that the Author and Cause of all those miseries was the Duke of Buckingham, which was entertained and answered with a chearful acclamation of the House ; as when one good Hound recovers the scent, the rest come in with a full cry : so they pursued it, and every one came on home, and laid the blame where they thought the fault was, and as they were voting it to the question, whether they should name him in their intended Remonstrance, the sole or the principal cause of all their miseries at home and abroad : The Speaker having been three hours absent, and with the King, returned with this Message, That the House should then rise (being about eleven a clock, and no Committees should sit in the after-noon) till to morrow morning ; What we shall expect this morning, God of Heaven knows. We shall meet timely this morning, partly for the business sake, and partly, because two days since we made an order, That whosoever comes in after Prayers, pays Twelve pence to the poor. Sir, excuse my haste ; and let us have your Prayers, whereof both you and we have here need : So, in scribbling haste, I rest

This 6. of June,  
I 6 2 8.

Affectionately at your service,  
Thomas Alured.

This Message mentioned in this Letter of the 6. of June, is already before expressed.

### Friday 6. of June.

Mr. Speaker brings another Message from the King the day following.

Another Message from the King to the Commons.

" IN my service to this House I have had many undeserved favours from " you, which I shall ever with all humbleness acknowledge, but none " can be greater than that testimony of your confidence yesterday shewed " unto me, whereby I hope I have done nothing, or made any representa- " tion to his Majesty, but what is for the honour and service of this " House ; and I will have my tongue cleave to my mouth, before I will " speak to the disadvantage of any Member thereof : I have now a Mes- " sage to deliver unto you.

" Whereas his Majesty understanding, that ye did conceive his last " Message to restrain you in your just Priviledges, to complain of any of " his Ministers ; these are to declare his intentions, That he had no mean- " ing of barring you from what hath been your Right, but only to " avoid all scandals on his Council and Actions past, and that his Ministers " might not be, nor himself, under their names, taxed for their Counsel " unto his Majesty, and that no such particulars should be taken in hand, " as would ask a longer time of consideration than what he hath pre- " fixed, and still resolves to hold, that so, for this time, all Christendom " might take notice of a sweet parting between him and his People : " Which if it fall out, his Majesty will not be long from another Meeting, " when such (if there be any) at their leisure and convenience may be " considered.

Mr. Speaker proceeded.

" I will observe somewhat out of this Message ; Ye may observe a " great inclination in his Majesty to meet in this House. I was bold ye- " sterday to take notice of that liberty ye gave me to go to his Maj- " esty ; I know there are none here but did imagine whither I went, and " but that I knew ye were desirous and content that I should leave you,

" I

‘ I would not have desired it, give me leave to say, This Message bars you not of your Right in matter, nay, not in manner, but it reacheth to his Counsels past, and for giving him countel in those things which he commanded. It is not his Majesties intentions to protect any Abettor of Spain. The end of this was, that we might meet again sweetly and happily.

4. Caroli.

A *The House of Lords likewise received this Message by the Lord Keeper.*

B *M*Y Lords, his Majesty takes notice, to your great advantage, of the proceedings of this House upon the hearing of his Majesties Message yesterday; he accounts it a fair respect, that ye would neither agree of any Committee, or send any Message to his Majesty, though it were in your own hearts, but yield your selves to his Majesties Message, and defer your own resolutions till you meet again at the time appointed by his Majesty. Yet his Majesty takes it in extreme good part to hear what was in your heart, and especially that you were so sensible of the inconvenience that might ensue upon the breach of this Parliament: which if it had hapned, or shall hereafter happen, his Majesty assures himself, that he shall stand clear before God and men of the occasion.

C *But his Majesty saith, Ye had just cause to be sensible of the danger, considering how the state of Christendom now stands in respect of the multitude and strength of our Enemies, and weakness on our part. All which his Majesty knows very exactly, and, in respect thereof, called this Parliament; the Particulars his Majesty holds it needless to recite, especially to your Lordships, since they are apparent to all men: Neither will it be needful to reiterate them to his Majesty, whose cares are most attentive upon them, and the best remedy that can be thought on therein, is, if his Subjects do their parts. Therefore his Majesty gives you hearty thanks, and bade me tell you, That nothing hath been more acceptable to him all the time of this Parliament, than this dutiful and discreet carriage of your Lordships, which, he professeth, hath been a chief motive to his Majesty, to suspend those intentions, that were not far from a resolution.*

D *Sir Robert Philips assumed the Debate upon the Message delivered by the Speaker, and said;*

E *I rise up with a disposition, somewhat in more hope of comfort than yesterday; yet, in regard of the uncertainty of Counsels, I shall not change much: In the first place I must be bold without flattering, a thing not incident to me, to tell you (Mr. Speaker) you have not only at all times discharged the duty of a good Speaker, but of a good man, for which I render you many thanks.*

F *Another respect touching his Majesties Answer to our Petition; First, if that Answer fall out to be short, I free his Majesty, and I believe his resolution was, to give that that we all expected: But in that, as in others, we have suffered, by reason of interposed persons between his Majesty and us; but this day is by intervening accidents diverted from that, but so, as in time we go to his Majesty: therefore let us remove those jealousies in his Majesty of our proceedings, that by some men over-grown, have been mispresented: we have proceeded with temper in confidence of his Majesties goodness to us, and our fidelity to him and*

A Message  
from his Ma-  
jesty to the  
House of  
Lords.The Kings  
Message gives  
the Commons  
more hope  
than formerly.

An. 1628.

and if any have construed that what we have done hath been out of fear, let him know, we came hither Free-men, and ever will resolve to endure the worst; and they are poor men that make such interpretations of Parliaments; in this way and method we proceeded, and if any thing fall out unhappily, it is not King Charles that advised himself, but King Charles misadvised by others, and misled by mis-ordered Counsel; it becomes us to consider what we were doing, and now to advise what is fit to be done. We were taking consideration of the State of the Kingdom, and to present to his Majesty the danger he and we are in, if since any man hath been named in particular (though I love to speak of my betters with humility) let him thank himself and his Counsels, but those necessary Jealousies give us occasion to name him; I assure myself we shall proceed with temper, and give his Majesty satisfaction, if we proceed in that way. His Majesties Message is now explanatory in point of our Liberties, that he intends not to bar us of our Rights, and that he would not have any aspersion cast on the Counsels past; let us present to his Majesty shortly and faithfully, and declare our intentions, that we intend not to lay any aspersions upon him, but out of a necessity to prevent the imminent dangers we are surrounded with, and to present to him the Affairs at home and abroad, and to desire his Majesty, that no interposition or mis-information of men in fault may prevail, but to expect the issue that shall be full of duty and loyalty.

The Commons sent a Message to the Lords, that they would joyn in an humble request to the King, that a clear and satisfactory Answer be given by his Majesty in full Parliament to the Petition of Right; whereunto the Lords did agree.

Afterward the House was turned again into a Committee, and considered of some more Heads to be inserted into the Declaration or Remonstrance, as the design to bring into this Nation Foreign Forces, under the command of Dolbier: And Burlemack was called into the House, who confessed, he received Thirty thousand pound by Privy Seal for the buying of Horses, that one thousand of them are levied, that those Horses and their Riders are to come over, and Arms are provided for them in Holland; but he hears a countermand is gone to stay them.

Burlemack  
called into the  
House.

*The Privy-Seal is in these words.*

Charles by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To the Treasurer, and Under-Treasurer for our Exchequer for the time being, Greeting: We do hereby will and command you, out of our Treasury remaining in the Receipt of our said Exchequer, forthwith to pay, or cause to be paid unto Philip Burlemack of London, Merchant, the sum of Thirty thousand pounds, to be paid by him over by Bill of Exchange into the Low-countrys, and Germany, unto our Trusty and Well-beloved, Sir William Balfoure Knight, and John Dolbier Esquire, or either of them, for levying and providing certain numbers of Horses, with Arms for Horse and Foot, to be brought over into this Kingdom for our service, viz. for the levying and transporting of one thousand Horses, fifteen thousand pounds; for five thousand Muskets, five thousand Corflets, and five thousand Piks, ten thousand five hundred

' pounds

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4. Caroli.

" pounds ; and for one thousand Curaseers compleat, two hundred  
 " Corslets and Carbines, four thousand five hundred pounds, amount-  
 " ing in the whole to the said sum of thirty thousand pounds. And this  
 " our Letter shall be your sufficient Warrant, and discharge in this be-  
 " half. Given under our Privy Seal, at our Palace of *Westminster*, the  
 " 30 of January, in the third year of our Reign.

A June the seventh, the King came to the Lords House, and the House  
 of Commons were sent for. And the Lord Keeper presented the humble  
 Petition of both Houses, and said,

B **M**ay it please your most excellent Majesty, the Lords Spiritual  
 and Temporal, and Commons in Parliament assembled, ta-  
 king into consideration that the good intelligence between your Majes-  
 ty and your People doth much depend upon your Majesties answer  
 unto their Petition of Right formerly presented. With unanimous  
 consent do now become most humble Suitors unto your Majesty, that  
 you would be pleased to give a clear and satisfactory answer thereunto  
 in full Parliament.

The Petition  
of both Houses  
to his Majesty  
for a further  
Answer to the  
Petition of  
Right.

*Whereto the King replied,*

C The Answer I have already given you was made with so good deli-  
 beration, and approved by the judgments of so many wise men, that I  
 could not have imagined but it should have given you full satisfaction;

C But to avoid all ambiguous interpretations, and to shew you there is no  
 doubleness in my meaning, I am willing to pleasure you as well in words  
 as in substance, read your Petition, and you shall have an Answer that  
 I am sure will please you.

E The Petition was read, and this answer was returned : *Soit droit fait  
 come il est desire.*

C. R.

D This I am sure (said his Majesty) is full, yet no more then I granted  
 you in my first Answer ; for the meaning of that was to confirm your  
 Liberties, knowing according to your own Protestations, that ye nei-  
 ther mean nor can hurt my Prerogative. And I assure you my Maxim  
 is, That the Peoples Liberties strengthen the Kings Prerogative, and  
 the Kings Prerogative is to defend the Peoples Liberties.

E You see how ready I have shewed my self to satisfie your demands so  
 that I have done my part ; Wherefore if this Parliament have not a  
 happy conclusion, the sin is yours I am free from it.

F Wherupon the Commons returned to their own House with un-  
 speakable joy, and resolved so to proceed as to express their thankfulness ;  
 and now frequent mention was made of proceeding with the Bill of  
 Subsidies, of sending the Bills (which were ready) to the Lords, of per-  
 fecting the Bill of Tunnage and Poundage, and Sir John Strangewaines  
 also expressed his joy at the Answer, and further added, Let us perfect  
 our Remonstrance ; King James was wont to say, He knew that by Par-  
 liaments which otherwise he could never have known.

F After the granting the Petition of Right, the House ordered that the  
 Grand Committees for Religion, Trade, Grievances, and Courts of Ju-  
 stice, to sit no longer, but that the House proceed only in the considera-  
 tion of Grievances of most moment : And first they fell upon the Com-  
 mission for Excise, and sent to the Lord Keeper for the same who re-

His Majesties  
 second Answer  
 to the Petition  
 of Right.

All Grand  
 Committees to  
 cease.

An. 1623. turned answer that he received Warrant at the Council Table for the sealing therereof, and when it was sealed, he carried it back to the Council Table. The Commission being sent, it was read in the House, *viz.*

A C H A R L E S, By the Grace of God, King of England, Scotland,  
 France and Ireland, Defender of the Faith, &c. To Sir Thomas Coventry Knight, Lord keeper of the Great Seal of England; To James Earl of Malburg, Lord High Treasurer of England, Henry Earl of Manchester, Lord President of our Council, Edward Earl of Worcester, Lord keeper of our Privy Seal, George Duke of Buckingham, Lord High Admiral of England, William Earl of Pembrook, Lord Steward of our Household, Philip Earl of Mountgomery, Lord Chamberlain of our Household, Theophilus Earl of Suffolk, Edward Earl of Dorset, William Earl of Salisbury, Thomas Earl of Exeter, John Earl of Bridgwater, James Earl of Carlisle, Henry Earl of Holland, William Earl of Denbigh, George Earl of Totnes, Sir George Hay Knight, Lord Chancellor of Scotland, William Earl of Morton, Thomas Earl of Kelley, Thomas Earl of Mellers, Edward Viscount Conway, one of our principal Secretaries of State, Edward Viscount Wimbleton, Oliver Viscount Grandison, Henry Falkland Lord Deputy of Ireland; To the Lord Bishop of Winchester, William Lord Bishop of Bath and Wells, Fulk Lord Brook, Dudley Ash Lord Carleton, Vice Chamberlain of our Household, Sir Thomas Edmonds Treasurer of our Household, Sir John Savil Controuler of our Household, Sir Robert Nanton Master of the Court of Wards, Sir John Cook one of the principal Secretaries of State, Sir Richard Weston Chancellor and under Treasurer of our Exchequer, Julius Caesar Master of the Rolls, and Sir Humphrey May Knight Chancellor of our Duchy of Lancaster, Greeting. Whereas the present Conjunction of the general Affairs of Christendom, and our own particular interest, in giving assistance unto our oppressed Allies, and for providing for the defence and safety of our own Dominions, and People, do call upon Us to neglect nothing that may conduce to those good ends: And because Menies (the principal Sinews of War, and one of the first and chiefest movers in all great preparations and Actions) are necessary to be provided in the first place, and we are careful the same may be raised by such ways as may best stand with the State of our Kingdoms, and Subjects, and yet may answer the pressing occasions of the present times: We therefore, out of the experience We have had, and for the Trust we repose in your Wisdoms, Fidelities, and dutiful Care of your Service; And for the experience we have of all great Causes concerning us, and our State, both as they have relation to Foreign parts abroad, and as to our Common-wealth, and People at home (Ye being persons called by Us to be of our Privy Council) have thought fit amongst those great and important matters, which so much concern us, in the first and chiefest place, to recommend this to your special care and diligence.

And we do hereby Authorize and Appoint, and strictly Will and Require you, that speedily and seriously you enter into consideration  
 of

of all the best and spediest ways and means ye can for raising of Moneys for the most important occasions aforesaid: Which without extremest hazard to Us, our Dominions, and People, and to our Friends, and Allies, can admit of no long delay, the same to be done by Impositions, or otherwise, as in your wisdoms and best Judgments ye shall find to be most convenient in a case of this inevitable necessity, wherein Form and Circumstance must be dispensed with, rather than the Substance be lost, and hazarded. And herein our will and pleasure is, that You or as many of You from time to time as can be spared from attendance upon Our Person, or other our necessary Services, do use all diligence by your frequent meetings, and serious considerations. And when ye have brought any thing to maturity, ye make report thereof unto us, for the advancement of this great service, which with the greatest affection we can, we recommend to your best care and Judgment, whereof ye must not fail, as ye tender Our Honour, and safety of our Dominions and People: And for doing hereof, these Presents shall be to you, and every of you a sufficient Warrant and discharge in that behalf: In witness whereof we have caused these Our Letters to be made Letters Patents; Witness Our Self at Westminster the last day of February in the third year of Our Reign.

Per ipsum Regem.

C

*Sir Edward Cook observed some Circumstances in the Commission.*

F Irst, it was after the Summons to the Parliament. Sure, some thought the Parliament should not be. 2. There is a Pudor in it, was kept secret, some great Lords never knew it. 3. The end of it was Excises, for they are Impositions, and to be sure he would have the word (otherwise) wherefore his advice was to go up to the Lords, and desire a Conference, to complain of the Commission, and desire it may be Cancelled, and if there be any Inrolment of it, to cancel that also, and that the Projector may be found out and punished.

*S'r Edward  
Cook Observa-  
tions upon  
the said Com-  
mission.*

*Hereupon there ensued a Conference with the Lords, which was thus managed by Sir Edward Cook.*

E My Lords, the Subject of this Conference is a Commission, therefore we shall desire your Lordships to hear it read, which was done accordingly. That which I shall deliver is certain Observations out of the Patent. First, The Persons to whom it is directed. 2. The Authority that is committed. 3. The great Penalty laid on them if they do it not. 4. The Time.

*S'r Edward  
Cook manageth  
the Confer-  
ence between  
both Houses  
concerning  
the Commissi-  
on.*

F 1. The Persons to whom it is directed are twenty three Lords, and other of his Majesties Council. 2. The Authority committed unto them, is to consider how Money may be levied by Impositions, or otherwise: It is true, it is but a Power to Levy Money by Imposition; We do not find any thing raised (that is left to your Lordships) but a Commission to levy Money by Imposition or otherwise, give us leave to fear that Excise, and whatever is comprehended in it, was intended. Sure I am, it is against the Law, it is a very high breach of your Lordships, and our the poor Commons Liberties, and yet this being ill in it

An. 1628.

self, may produce a happy effect: the King and both Houses have given a Judgment, the greatest that ever was against this in the Petition of Right, and when this Judgment is given, see how Gods goodness hath brought it to pass, that this Patent shall be part of Execution of that Judgment, to damn it for the punishment.

I do utterly dislike that Clause, *as you tender the Kings Honour*; That that must come to a thing of this nature, and it is strange to me, I cannot dive into it, I leave it to your Lordships, for the time; it came out seven days after the Summons of Parliament, all knew the Parliament would descry this, but I hope it will now turn to good: I will not say it was kept secret.

A That which I am to demand of your Lordships first, is, that as we having considered of this Commission, finding it *ex di.umetro* against the late Judgment in the Petition of Right, have condemned it; So your Lordships would concur with us as hitherto you have done.

- B 2. That this Commission as a thing against Law, may be cancelled.
- 3. That if it be inrolled, A Vote may be made of it, and if not, that Order be taken that it be not inrolled.

4. That the Warrant may be damned and destroyed.

5. That it would please your Lordships in your wisdoms to take into consideration who is the Projector of this device, and if he could be found out; that some exemplary punishment may be according to Justice inflicted on him.

C The Lords accepted the motion, and promised to present the same to his Majesty.

This done, the House of Commons Voted that the Commission, the not guarding the narrow Seas, the decay of Trade, and other particulars be inserted in the Remonstrance.

Fresh Debates  
in the House  
against the  
Duke.

D THE House having well nigh finished the several particulars of Grievances of most moment, resumeth the former motion to declare who was the cause of all those evils, which in a Committee of the whole House was mentioned before.

E The Debate was as hot as ever, and the crimes so frequently objected against the Duke, were brought in afresh, as if they had never been proposed in the House. One made a distinction that the Duke was *The cause* of some, and *A cause* of other Grievances. For the first he instanced in the disaster of the Armies, the decay of Ports, Trade, Ships, and Mariners. For the second, he instanced in Religion. First, his Mother was a Recusant, and a fosterer of Recusants. Secondly, Papists have honour in his own imployments, and Papist Captains are placed by him. And as for *Arminians*, *York* House is a place of consultation for *Mountague* and others, from whence is like to follow Innovation in Government.

F Another in pufuit of the Argument, that Papists were employed by the Duke, named *Dalbeer*, as the man who betrayed our men at the Isle of Rhee, where all was carried by the advice of private men, and some ill affected in Religion, and in an assault before they came away, 500 men were lost, and in the Retreat *Dalbeer* was to make a Bridge, which did so intangle them, as they could make no defence: and all contrary to the advice of the rest of the Commanders.

Sir Robert Philips was of opinion to have the Declaration run thus,  
*We conceive the greatness and power of the Duke of Buckingham is the chief*

chief cause of all these evils. We are not in a way of Charge, but of a Remonstrance.

Sir John Elliot, Sir Edward Cook, and Mr. Selden were positively to name the Duke as the cause of our evils, for so said they, he had been already declared in the last Parliament, since when the causes are multiplied, and he hath deserved nothing better of the Commonwealth.

A In this Debate there wanted no Mediators which did desire the House, for their own ends and happiness, to be sparing in that kind. Sir Humphrey May put them again in mind of the Kings desire, that all personal aspersions might be forborn, that his Majesty will take it as an argument of their moderation and judgment, if they forbear in this.

B Sir Henry Martin advised that the Remonstrance be so framed, as to make it paliable to his Majesties judgment and affection: Let him be perswaded that it comes from a publick sense, and not from private ends.

C And he vindicated the Duke in point of Religion. 'Tis true, said he, his Mother is a Recusant, but never any thing more grieved him, and never did a Son use more means than he to convert her, and he hath no power over her; and for his own Lady whom he found not firm in his Religion, he hath used means to confirm her. As for Arminians, I have often heard him protest, and vow against these Opinions. It is true, many that have skill therein, may have some credit with him, and make use of his noble nature for their own ends. One particular I know well,

D that some Gentlemen and Preachers of great esteem were questioned for a matter, wherein there was some error in the manner, of which they were presented; I told him of them and that they were questioned, and he answered me, he would do the best he could for to countenance them.

E Sir Benjamin Rudyard, gave his judgment, that if the matter be urged home, it will proclaim the man louder than we can in words. If we name excess of Power, and abuse of Power, it will reach to the Duke, and all others in future times: and to a Gentleman of honour, nothing is so dear as sense of Honour. I am witness, and do know that he did many great and good Offices to this House. If the forfeiture of my life could breed an Opinion, that ye should have no occasion to complain at your next meeting, I would pawn it to you. Nor let any man say, it is fear makes us desist, we have shewed already what we dare do.

F And because the imployment of Dalbeer had given much offence, Sir Thomas Jermin stood up in his defence, and said, he had given great evidence of his Trust and Fidelity. When the Count Palatine retired himself, and the Council agreed to send a party under Count Mansfield to make a head, and the King sent word to the Palatine to be present in person, Dalbeer went along with him, with one more, and being in a Village in Germany, a Troop of fifty Horse met them, Dalbeer went to the Captain and said, we are in a Service, I will give you so many Crowns to conduct us, which was done, and Dalbeer went along with him.

G In conclusion, June the 13th it was ordered upon the Question, that the excessive Power of the Duke of Buckingham, is the cause of the Evils and Dangers to the King and Kingdom; and that this be added to the Remonstrance.

An. 1628.  
Dr. Lamb killed.

At this very time being June 18th 1628. Doctor Lamb, so called, having been at a Play-house, came through the City of London, and being a person very notorious, the Boys gathered thick about him, which increased to the access of ordinary People and the Rabble; they presently reviled him with words, called him a Witch, a Devil, the Dukes Conjuror, &c. he took Sanctuary in the Windmill Tavern at the lower end of the Old Jury, where he remained a little space; but there being two doors opening to several Streets out of the said House, the Rout discovering the same, made sure both doors, lest he should escape, and pressed so hard upon the Vintner to enter the House, that he, for fear the House should be pulled down, and the Wines in his Cellar spoiled and destroyed, thrust the imaginary Devil out of his House, whereupon the tumult carried him in a Croud among them, howting and shouting, crying a Witch, a Devil, and when they saw a Guard coming, by order of the Lord Mayor for the rescue of him, they fell upon the Doctor, beat him and bruised him, and left him for dead. With much ado the Officers that rescued him, got him alive to the Counter, where he remained some few hours, and dyed that night; The City of London endeavoured to find out the most active persons in this Riot, but could not find any that either could, or, if they could, were willing to witness against any person in that busines. This happened to be in Parliament time, and at that instant of time when they were about the Remonstrance against the Duke.

And shortly after, so high was the rage of people, that they would ordinarily utter these words.

Let Charles and George do what they can,  
The Duke shall dye like Doctor Lamb.

What Fine the City underwent for this miscarriage, we shall observe in order of time.

Two days after the Privy Council writ this ensuing Letter to the Lord Mayor, Aldermen, and Sheriffs, of London.

A Letter to the  
City about  
Dr. Lambs  
death.

**W**Hereas we are given to understand, that by the fury and outrage of divers dissolute and disorderly persons assembled together in great numbers without any resistance made, or course taken to suppress them (by the Magistrates to whom it appertained) one Lamb was in a barbarous manner slain and murdered, wherewith his Majesty having been likewise made acquainted, as he is very sensible of the scandal that may hereby be cast upon the Peace and Government of this Realm in general, when the chief City hereof, and where his own Person is resident, should by the remissness and neglect of Magistrates, in the execution of his Laws, suffer a fact and misdemeanor of so high a nature to be committed, and to pass unpunished. So he is very highly displeased therat, and hath therefore commanded us in his name hereby strightly to charge and require your Lordship, &c. that with all care and diligence you do forthwith inquire out the principal Actors and Abettors therein, and to cause them to be apprehended and committed to Prison, and to be proceeded with, and punished in the severest manner, that by the Laws of the Realm is provided against offenders in so high a nature. And so, &c.

Dr. Neal, and  
Dr. Laud sus-  
pe ed for Ar-  
marians.

The Commons at this time voted that Dr. Neal Bishop of Winchester, and Dr. Laud Bishop of Bath and Wells, be named to be those near about the

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the King who are suspected to be *Arminians*, and that they are justly suspected to be unsound in their opinions that way.

The House was turned again into a Committee concerning the Remonstrance.

And Mr. Selden proposed that to the excessive power of the Duke should be added the abuse of that power, and since that abuse is the cause of these evils, that it be presented to his Majesty to consider whether it be safe for the King and Commonwealth, that a man of his power should be so near his Majesty, and it was ordered accordingly. All the parts of the Remonstrance being agreed unto, it was perfected to be presented to the King, being as followeth.

Mr. Selden.

The Commons  
Remonstrance  
against the  
Duke.

**M**OST Dread Sovereign, as with humble thankfulness we your dutiful Commons now Assembled in Parliament, do acknowledge the great comfort which we have in your Majesties pious and gracious disposition, so we think it a meet and most necessary Duty, being called by your Majesty, to consult and advise of the great and urgent affaires of this Church, and Commonwealth, finding them at this time in apparent danger of ruine and destruction, faithfully, and dutifullly to inform your Majesty thereof, and with bleeding hearts and bended knees, to crave your speedy redress therein, as to your own wisdom (unto which we most humbly submit our selves and our desires) shall seem most meet and convenient.

**C**What the multitude and Potency of your Majesties Enemies are abroad; What be their malicious and ambitious ends; and how vigilant and constantly industrious they are in pursuing the same, is well known to your Majesty; Together with the dangers threatened thereby to your sacred Person, and your Kingdoms, and the calamities which have already fallen, and do daily increase upon your Friends and Allies, of which we are well assured your Majesty is most sensible, and will accordingly in your great wisdom, and with the gravest and most mature Council, according to the exigency of the times and occasions, provide to prevent and help the same.

To which end we most humbly intreat your Majesty first, and especially to cast your eyes upon the miserable condition of this your own Kingdom, of late so strangely weakened and dejected, that unless, through your Majesties most gracious Wisdom, Goodness, and Justice, it be speedily raised to a better condition, it is in no little danger to become a sudden Prey to the Enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible Nation in the World. In the discoveries of which dangers, mischiefs, and inconveniences lying upon us, we do frankly protest that it is far from our thoughts to lay the least aspersion upon your sacred Person, or the least scandal upon your Government; for we do in all sincerity of our hearts, not only for our selves, but in the Name of all the Commons of the Realm (whom we present) ascribe as much duty, as a most loyal and affectionate People can do, unto the best King, (for so you are, and so have been pleased abundantly to express your self this present Parliament by your Majesties clear and satisfactory answer to our Petition of Right: For which both our selves and our posterity shall

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shall bless God for you, and ever preserve a thankful memory of your great goodness and Justice therein.) and we do verily believe, that all or most of these things which we shall now present unto your Majesty, are either unknown unto you, or else by some of your Majesties Ministers offered under such specious pretences as may hide their own ill intentions, and ill consequences of them, from your Majesty. But we assure our selves according to the good example of your Majesties Predecessors, nothing can make your Majesty (being a wise and Judicious Prince, and above all things desirous of the welfare of your People) more in love with Parliaments than this, which is one of the principal ends of calling them, that therein your Majesty may be truly informed of the State of all the several parts of your Kingdom, and how your Officers and Ministers do behave themselves in the trust reposed in them by your Majesty, which is scarce able to be made known unto you, but in Parliament, as was declared by your blessed Father, when he was pleased to put the Commons in Parliament assembled in mind, that it would be the greatest unfaithfulness, and breach of duty to his Majesty, and of the trust committed to them by the Country that could be, if in setting forth the Grievances of the People, and the condition of all the parts of this Kingdom from whence they come, they did not deal clearly with him, without sparing any how near and dear soever they were unto him, if they were hurtful or dangerous to the Common-wealth.

In confidence therefore of your Majesties gracious acceptance in a matter of so high importance, and in faithful discharge of our duties; We do first of all most humbly beseech your Majesty to take notice that howsoever we know your Majesty, doth with your soul abhor, that any such thing should be imagined or attempted; Yet there is a general fear conceived in your people of secret working and combination to introduce into their Kingdom innovation and change of our holy Religion, more precious unto us than our lives and whatever this world can afford. And our fears and jealousies herein are not merely conjectural, but arising out of such certain and visible effects, as may demonstrate a true and real Cause; For notwithstanding the many good and whollom Laws, and the Provisions made to prevent the increase of Popery within this Kingdom, and notwithstanding your Majesties most gracious and satisfactory Answer to the Petition of both Houses in that behalf, presented to your Majesty at Oxford, We find there hath followed no good execution nor effect, but on the contrary (at which your Majesty out of the quick sense of your own Religious heart cannot but be in the highest measure displeased) those of that Religion do find extraordinary favours and respect in Court from persons of great quality and power, whom they continually resort unto, and in particular to the Countess of Buckingham, who her self openly professing that Religion, is a known favourer and supporter of them that do the same, which we well hoped upon your Majesties Answer to the aforesaid Petition at Oxford, should not have been permitted, nor that any of your Majesties Subjects of that Religion, justly to be suspected, should be entertained in the service of your Majesty, or your Royal Consort the Queen. Some like-

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wise of that Religion have had Honours, Offices, and Places of Command and Authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your Loyal Subjects concerning this, is, that Letters of Stay of Legal proceedings against them have been procured from your Majesty (by what indirect means we know not;) And Commissions under the Great Seal, granted and executed for composition to be made with Popish Recusants, with Inhibitions and Restraint both to the Ecclesiastical and Temporal Courts and Officers, to intermeddle with them, which is conceived to amount to no less than a Toleration, odious to God, full of dishonour, and extreme disprofit to your Majesty, of extreme scandal and grief to your good People, and of apparent danger to the present state of your Majesty, and of this Kingdom, their numbers, power, and insolency daily increasing in all parts of your Kingdom, and especially about London, and the Suburbs thereof, where exceeding many Families do make their abode publickly, frequent Masses at Denmark-house, and other places, and by their often meetings and conferences, have opportunities of combining their Counsels and Strength together, and to the hazard of your Majesties safety, and the State, and most especially in these doubtful and calamitous times. And as our fear concerning change of subversion of Religion is grounded upon the daily increase of Papists, the open and professed Enemies thereof, for the Reasons formerly mentioned; So are the hearts of your good Subjects no less perpicred, when with sorrow they behold a daily growth and spreading of the Faction of the Arminians, that being, as your Majesty well knows, but a cunning way to bring in Popery, and the Professors of those Opinions, the common disturbers of the Protestant Churches, and Incendiaries in those States wherein they have gotten any Head, being Protestants in shew, but Jesuites in opinion; which caused your Royal Father, with so much pious wisdom, and ardent zeal, to endeavour the suppressing of them, as well at home as in the Neighbour Countreys. And your gracious Majesty, imitating his most worthy Example, hath openly, and by your Proclamation declared your dislike of those persons, and of their opinions; who notwithstanding are much favoured and advanced, not wanting friends even of the Clergy, near to your Majesty, namely, Doctor Neale Bishop of Winchester, and Doctor Laud Bishop of Bath and Wells, who are justly suspected to be unsound in their opinions that way. And it being now generally held the way to preferment, and promotion in the Church, many Scholars do bend the course of their Studies to maintain those Errors; their Books and Opinions are suffered to be printed and published; and on the other side, the imprinting of such as are written against them, and in defence of the Orthodox Church, are hinder'd and prohibited; and (which is a boldness almost incredible) this restraint of Orthodox Books, is made under colour of your Majesties formerly mentioned Proclamation, the intent and meaning whereof we know was quite contrary. And further, to increase our fears concerning Innovation of Religion, we find, that there hath been no small labouring to remove that which is the most powerful means

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to strengthen and encrease our own Religion, and to oppose both those, which is the diligent teaching and instruction of the People in the true knowledge and worship of Almighty God. And therefore means hath been sought out to depress and discountenance pious, and painful, and Orthodox Preachers, and how confor-  
 mable soever, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed, and instead of being encouraged, they are molested with vexatious courses, and pur-  
 suits, and hardly permitted to Lecture. And in those places where  
 are no constant preaching Ministers, whereby many of your good people (whose Souls in this case, we beseech your Majesty to  
 commiserate) are kept in ignorance, and are apt to be easily seduced to error and superstition: It doth not a little also increase our dangers and fears this way, to understand the miserable condition of your Kingdom of Ireland, where, without controll,  
 the Popish Religion is openly professed, and practised in every part thereof, Popish Jurisdiction being there generally exercised and avowed, Monasteries, Nunneries, and other superstitious Houses newly erected, re-edified, and replenished with men and women of several Orders, and in a plentiful manner maintained at Dublin, and most of the Great Towns, and divers other places of the Kingdom; which, of what ill consequence it may prove, if not seasonably repressed, we leave to your Majesties wisdom to judge: But most humbly beseech you (as we assure our selves you will) to lay the serious consideration thereof to your Royal and Pious Heart, and that some speedy course may be taken for redress therein.

And if now to all these your Majesty will be pleased to add the consideration of the Circumstances of time, wherein these courses, tending to the destruction of true Religion, within these your Kingdoms, have been taken here, even then when the same is with open force and violence prosecuted in other Countreys, and all the Reformed Churches in Christendom, either depressed, or miserably distressed: We do humbly appeal unto your Majesties Princely Judgment, whether there be not just ground of fear that there is some secret and strong co-operating here with the enemies of our Religion abroad, for the utter extirpation thereof? and whether, if those courses be not speedily redressed, and the profession of true Religion more encouraged, we can express any other but misery and ruine speedily to fall upon us? especially, if besides the visible and apparent dangers wherewith we are compassed about, you would be pleased to remember the displeasure of Almighty God, always bent against the neglect of his holy Religion, the strokes of whose Divine Justice we have already felt, and do still feel with smart and sorrow in great measure.

And besides this fear of Innovation in Religion, we do in like faithful discharge of our duties, most humbly declare to your Majesty, that the hearts of your People are full of fear of Innovation and Change of Government, and accordingly possessed with extreme grief and sorrow; yet in this point by your Majesties late Answer to our Petition of Right touching our Liberties

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ties much comforted, and raised again out of that sadness and discontent, which they generally had conceived throughout the whole Kingdom, for the undue courses which were the last year taken for raising of Moneys by Loans, than which (whatever your Majesty hath been informed to the contrary) there were never any moneys demanded nor paid with greater grief, and general dislike of all your faithful Subjects; though many partly out of fear, and partly out of other respects (yet most unwillingly) were drawn to yield to what was required.

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The Biling of Soldiers did much augment both their fears and grief, wherein likewise they find much comfort upon your gracious Answer to our Petition of Right, and to that we presented to your Majesty concerning this particular. Yet we most humbly beseech your Majesty, that we may inform you, that the still continuance, and late re-enforcing of those Soldiers, the conditions of their persons (many of them not being Natives of this Kingdom, nor of the same, but of an opposite Religion) the placing them upon the Sea-coast, where making head amongst themselves, they may unite with the Popish Party at home, if occasion serve, and joyn with an invading Enemy to do extreme mischief; and that they are not yet dismissed, both still minister cause of jealousie in your loving Subjects; for that the Soldiers cannot be continued without exceeding great danger of the peace and safety of your Kingdom.

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The report of the strange and dangerous purpose of bringing in German Horse and Riders, would have turned our doubts into despair, and our fears into a certainty of confusion, had not your Majesties gracious Message (for which we humbly give you thanks) comforted us by the assurance of your Royal Word, that they neither are, nor were intended by your Majesty for any Service in England, but that they were designed for some other foreign Employment. Yet the sight of the Privy Seal, by which it seemeth, they were to be levied; the great sum of money, which, upon examinations, we found to be paid for that purpose, gave us just cause of fear, That much about the same time there was a Commission under the Great Seal granted unto the Lords, and others of the Privy-Council, to consider of other ways for raising of monies, so particularly by Impositions, gave us just cause to suspect, that whatsoever was your Majesties gracious intention, yet there wanted not those, that under some colourable pretence, might secretly by this, as by other ways, contrive to change the frame both of Religion and Government, and thereby undermine the safety of your Majesty, and your Kingdoms.

E

These men could not be ignorant, that the bringing in of Strangers for aid, hath been pernicious to most States, where they have been admitted, but to England fatal. We do bless God that hath given your Majesty a wise understanding heart to discern of those courses, and that such power produceth nothing but weakness, and calamity. And we beseech your Majesty to pardon the vehemency of our expression, if in the Loyal and Zealous af-

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sections we bear to your Majesty and your service, we are bold to declare to your Majesty, and the whole World, that we hold it far beneath the heart of any free English-man to think, that this victorious Nation should now stand in need of German Souldiers to defend their now King and Kingdom.

But when we consider the course formerly mentioned, and these things tending to an apparent change of Government, the often breaches of Parliament, whereby your Majesty hath been deprived of the faithful Counsel, and free Aids of your People, by taking of Turnage and Poundage, without grant thereof by Act of Parliament, ever since the beginning of your Majesties Reign to this present, The standing Commission granted to the Duke of Buckingham to be general of an Army in the Land in the time of Peace, the discharging of faithful and sufficient Officers and Ministers, some from Judicial places, and others from the Offices and Authorities which they formerly held in the Commonwealth: We cannot but at the sight of such an apparent desolation as must necessarily follow these courses, out of the depth of sorrow, lift up our cries to Heaven for help, and next, under God, apply our selves unto your sacred Majesty, who, if you could hear so many thousands speaking together, do joynly implore speedy help and Reformation.

And if your Majesty would be pleased to take a further view of the present state of your Realm, we do humbly pray you to consider, whether the miserable disasters, and ill success that hath accompanied all your late designs and actions, particularly those of Cales, and the Isle of Rhee, and the last Expedition to Rochel, have not extremely wasted that Stock of Honour that was left unto this Kingdom, sometimes terrible to all other Nations, and now declining to contempt beneath the meanest.

Together with our Honours, we there lost those ( and that not a few ) who had they lived, we might have some better hope of recovering it again, our valiant and expert Colonels, Captains, and Commanders, and many thousand common Souldiers and Mariners: Though we have some cause to think, that your Majesty is not as yet rightly informed thereof; and that of six or seven thousand of your Subjects lost at the Isle of Rhee, your Majesty received information but of a few hundreds. And this dishonour and loss hath been purchased with the consumption of above a million of Treasure.

Many of the Forts are exceeding weak, and decayed, and want both Men and Munition. And here we cannot but with grief consider, and complain of a strange improvidence ( we think your Majesty will rather call it Treachery ) That your Store of Powder, which, by Order of your Privy Council, dated the Tenth of December, 1626. should be constantly Three hundred Last, besides a continual Supply of Twenty Last a moneth for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the Tower (the present Warrants being served) but Nine Lasts and Forty eight pounds in all; which we tremble to think of. And that notwithstanding this extreme scarcity of Powder, great quantities have been permitted to be sold out of your Majesties Store,

to

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A to particular persons for private gain; whereof we have seen a Certificate, six Last sold thence the fourteenth of January last, and your Majesties Store being unfurnished of Powder, which by a contract made with Mr. Elevyn by advice of your Lords in Parliament, ought to be supplied monethly with Twenty Last, at the rate of Thre pound ten shillings ten pence a Barrel, your Majesty hath been forced to pay above Seven pound a Barrel for Powder, to be brought in from beyond Seas; for which purpose, Twelve thousand four hundred pounds was imprest to Mr. Burlemack the last year, and that Powder not so good as that by Contract your Majesty should have, by one third part: All which are most fearful and dangerous abuses. But what the poverty, weakness, and misery of our Kingdom is now grown unto by decay of Trade, and destruction, and loss of Ships and Mariners, within these three years, we are almost afraid to declare; And could we by any other means have been sure, that your Majesty should any other way have had a true information thereof, we should have been doubtful to have made our weakness, and extremity of misfortune in this kind, to appear: But the importunate and most pitiful complaints from all parts of the Kingdom near adjoyning to the Sea in this kind, would rend, as we think, the stoniest heart in the world with sorrow, and the sense we have of the miserable condition your Kingdom is in by reason thereof, especially, for that we see no possible means (being now shottly to end this Session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to express it: But for your Majesties more exact information therein, we beseech you be pleased to peruse the Kalendar of Particulars, which, with the Remonstrance, we most humbly present unto your Majesty.

B

C

D One reason amongst many of this decay of Trade, and loss of Ships and Mariners, is, the not guarding of the Narrow Seas, the Regality whereof, your Majesty hath now in a manner wholly lost, being that wherein a principal part of the Honour and Safety of this Kingdom heretofore consisted; and now having absolutely neglected it, the Town of Dunkirk doth so continually rob and spoil your Subjects, that we can assure your Majesty (if some present and effectual remedy be not forthwith provided) the whole Trade of this Kingdom, the Shipping, Mariners, and all belonging thereto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the Duke of Buckingham, and the abuse of that power: And we humbly submit unto your Majesties excellent wisdom, whether it be safe for your Self, or your Kingdoms, that so great power as rests in him by the Sea and Land, should be in the hands of any one Subject whatsoever.

E

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And as it is not safe, so sure we are, it cannot be for your service, it being impossible for one man to manage so many and weighty Affairs of the Kingdom as he hath undertaken, besides the ordinary Duties of those Offices which he holds, some of which well performed, would require the time and industry of the ablest men both of Counsel and Action, that your whole Kingdom will afford, especially in these times of common danger.

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And our humble desire is further, that your most excellent Majest<sup>y</sup> will be pleased to take into your most Princely consideration, whether, in respect the said Duke hath so abused his Power, it be safe for your Majesty and your Kingdom, to continue him either in his great Offices, or in his Place of Nearness and Counsel about your Sacred Person.

And this in all humility, aiming at nothing but the Honour of Almighty God, and the maintenance of his true Religion, the safety and happiness of your most excellent Majesty, and the preservation and prosperity of this Church and Commonwealth; we have endeavoured, with faithful hearts and intentions, and in discharge of the duty we owe to your Majesty and our Countrey, to give your Majesty a true Representation of our present danger, and pressing calamities, which we humbly beseech your Majesty graciously to accept, and to take the same to heart, accounting the safety and prosperity of your People, your greatest happiness, and their love, your richest Treasure. A ruful and lamentable spectacle, we confess, it must needs be, to behold those ruines in so fair an House, so many Diseases, and almost every one of them deadly, in so strong and well tempered a Body as this Kingdom lately was. But yet we will not doubt, but that God hath reserved this Honour for your Majesty, to restore the safety and happiness thereof, as a work worthy so excellent a Prince, for whose long life and true felicity we daily pray, and that your Fame and never-dying Glory may be continued to all succeeding Generations.

The Speaker  
appointed to  
deliver the  
Remonstrance.

**H**ereupon a Message was sent to his Majesty, desiring access to his Person with the Remonstrance, and the Speaker was appointed to deliver it; who much desired to be excused, but the House would not give way thereunto. The House also sent up the Bill of Subsidy unto the Lords. Soon after the King sends a Message by Sir Humphrey May, that he means to end this Session on the 23 of June: Whereupon the Commons fall upon the Bill of Tunnage and Poundage. In the mean time, this ensuing Order concerning the Duke was made in the Star-Chamber, upon the signification of his Majesties pleasure.

*In Interiori Camera Stellata 16 Junii, Anno quarto  
Caroli Reg.*

Order in Star-  
chamber con-  
cerning the  
Duke.

**F**orasmuch as his Majesty hath been graciously pleased to signifie unto his Highnes Attorney-General, that his Royal pleasure is, That the Bill or Information exhibited into this Court, against the Right Honourable, George Duke of Buck, for divers great offences and misdemeanors objected against him, ( for that his Majesty is fully satisfied of the innocency of that Duke in all those things mentioned in the said information, as well by his own certain knowledge, as by the proofs in the cause ) shall therefore, together with the said Duke's Answer thereunto, and all other proceeding thereupon, be taken off the File, that no memory thereof remain of Record against him, which may tend to his disgrace. It is therefore ordered, That the said Information or Bill, the Answer thereunto, and all other Proceed-

ings

ings thereupon, be forthwith taken from the File, by his Majesties said Attorney-General, according to his Majesties pleasure therein signified under his hand, and now remaining in the custody of the Register of this Court.

4 Caroli.

Dated this present 16 day of June 4 Caroli  
Exam. per Jo. Arthur.

A

16 Junii, 1628.

The Duke desires to clear himself concerning some words.

B **O**N this very day the Duke signified unto the House, that he is informed, that one Mr. Christopher Eukener of the House of Commons, hath affirmed, that his Grace did speak these words at his own Table, viz. *Tush, it makes no matter what the Commons or Parliament doth, for without my leave and authority, they shall not be able to touch the hair of a Dog.* And his Grace desired leave of their Lordships, that he might make his Protestation in the House of Commons concerning that Speech.

And to move them, that he which spake it of him, being a Member of that House, might be commanded to justifie it, and his Grace heard to clear himself.

C Their Lordships considering thereof, ordered, That the Duke shall be left to himself to do herein what he thinks best in the House of Commons, Whereupon the Duke gave their Lordships thanks, and protested upon his Honour, that he never had those words so much as in his thoughts. The which Protestation the Lords commanded to be entred, that the Duke may make use thereof as need shall be.

D *The Duke also charged one Mr. Melvin for speaking words against him, Viz..*

E First, That *Melvin* said, That the Dukes Plot was, that the Parliament should be dissolved, and that the Duke and the King, with a great Army of Horse and Foot, would war against the Commonalty, and that *Scotland* should assist him; so that when War was amongst our selves, the Enemy should come in; for this Kingdom is already sold to the Enemy by the Duke.

2. That the Duke had a stronger Counsel than the King, of which were certain Jesuites, *Scotch-men*, and that they did sit in Counsel every night, from one of the Clock till three.

3. That when the King had a purpose to do any thing of what consequence soever, the Duke could alter it.

4. That when the Ordnance was Ship'd at St. Martins, the Duke caused the Soldiers to go on, that they might be destroyed.

5. That the Duke said, he had an Army of 16000 Foot, and 1200 Horse.

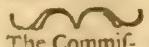
6. That King *James* his bloud, and Marquis *Hamilton's*, with others, cries out for vengeance to Heaven.

F 7. That he could not expect any thing but ruine of this Kingdom.

8. That Prince *Henry* was poison'd by Sir *Thomas Overbury*, and he himself served with the same sauce, and that the Earl of *Somerset* and others could say much to this.

9. That he himself had a Cardinal to his Uncle, or near Kinsman, whereby he had great intelligence.

About

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 The Commission for Excise cancelled.

About the same time, the Lord Keeper reported to the House of Lords what his Majesty said, touching the Commission of Excise: Viz.

That their Lordships had reason to be satisfied with what was truly and rightly told them by the Lords of the Council, that this Commission was no more but a Warrant of Advice, which his Majesty knew to be agreeable to the time, and the manifold occasions then in hand; but now having a Supply from the loves of his People, he esteems the Commission useless; and therefore though he knows no cause why any jealousie should have risen thereby, yet, at their desires, he is content it be cancelled; and he hath commanded me to bring both the Commission and Warrant to him, and it shall be cancelled in his own presence.

The day following the Lord Keeper reported, that his Majesty had cancelled the Commission, and the Warrant for putting the Seal thereunto, and did there openly shew it; and a Message was sent to the Commons to shew them the said cancelled Commission and Warrant.

Mr. Selden concerning Tunnage and Poundage.

The Commons resume again the Debate upon the Bill of Tunnage and Poundage; whereupon Mr. Selden said, Whereas the Kings Council objected, that *1 Eliz.* saith It was granted time out of mind to the King, I fear his Majesty is told so, and some body doth ascertain him so: But we may clear that, for not only *1 Eliz.* but also in the Statute of *1 Jac.* The word *Time out of mind* is, That whereas *H. 7.* and other his Majesties Progenitors, have had some Subsidy for the guarding of the Seas; and there were never a King but had some Subsidy, in that sense it is indeed time out of mind; yet is it a matter of free gift: For publick Bills, the King saith, *Le Roy veult*, for Petitions of Right, *Soit droit fait come est desire.*

For the Bill of Subsidies, it is thus, The King heartily thanking the Subjects for their good wills; In all the Bills of Tunnage and Poundage is the very same Answer, save one, which was *1 Eliz.* and but for that only mistake of the Clerk, it hath ever the same assent as the Bill of Subsidy.

Upon this Debate it was ordered, that a Committee be appointed to draw up a Remonstrance to his Majesty of the Peoples Rights, and of the undue taking of Tunnage and Poundage, and Impositions, without Act of Parliament; and to shew the Reasons, why the House cannot in so short a time prepare that Bill.

The Remonstrance was as followeth.

The Commons Remonstrance of Tunnage and Poundage.

**M**ost gracious Sovereign, Your Majesties most Loyal and Dutiful Subjects, the Commons in this present Parliament assembled, being in nothing more careful, than of the Honour and Prosperity of your Majesty, and the Kingdom, which they know do much depend upon that happy union and relation betwixt your Majesty and your People, do, with much sorrow, apprehend, that by reason of the uncertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your Majesty hath determined to end this Session, they cannot bring to maturity and perfection, divers businesses of weight, which they have taken into

- into their consideration and resolution, as most important for the common good: Amongst other things, they have taken into especial care the preparing of a Bill, for the granting of your Majesty such a Subsidy of Tunnage and Poundage, as might uphold your Profit and Revenue in as ample a manner, as their just care, and respect of Trade (wherein not only the Prosperity, but even the Life of the Kingdom doth consist) would permit: But being a Work which will require much time, and preparation by Conference with your Majesties Officers, and with the Merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time: Wherefore considering it will be much more prejudicial to the Right of the Subject, if your Majesty should continue to receive the same, without Authority of Law, after the determination of a Session, than if there had been a Recels by Adjournment only, in which case, that intended Grant would have related to the first day of the Parliament; and assuring themselves, that your Majesty is resolved to observe that your Royal Answer, which you have lately made to the Petition of Right of both Houses of Parliament; Yet doubting lest your Majesty may be mis-informed concerning this particular case, as if you might continue to take those Subsidies of Tunnage and Poundage, and other Impositions upon Merchants, without breaking that Answer, they are forced, by that duty which they owe to your Majesty, and to those whom they represent, to declare, That there ought not any Imposition to be laid upon the Goods of Merchants, Exported or Imported, without common consent by Act of Parliament, which is the Right and Inheritance of your Subjects, founded not only upon the most Ancient and Original Constitution of this Kingdom, but often confirmed and declared in divers Statute Laws.
- And for the better manifestation thereof, may it please your Majesty to understand, That although your Royal Predecessors, the Kings of this Realm, have often had such Subsidies and Impositions granted unto them, upon divers occasions, especially for the guarding of the Seas, and safeguard of Merchants: Yet the Subjects have been ever careful to use such Cautions and Limitations in those Grants, as might prevent any Claim to be made, that such Subsidies do proceed from Duty, and not from the free Gift of the Subjects. And that they have heretofore used to limit a time in such Grants, and for the most part but short, as for a year or two, and if it were continued longer, they have sometimes directed a certain space of Cessation, or Intermission, that so the Right of the Subject might be more evident. At other times it hath been granted upon occasion of War, for a certain number of years, with Proviso, That if the War were ended in the mean time, then the Grant should cease: And of course it hath been sequestred into the hands of some Subjects, to be employed for the guarding of the Seas. And it is acknowledged by the ordinary Answers of your Majesties Predecessors, in their Assent to the Bills of Subsidies of Tunnage and Poundage, that it is of the nature of other Subsidies, proceeding from the good will of the Subject: Very few of your Predecessors  
had

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had it for life, until the Reign of H. 7. who was so far from concerning he had any right thereunto, that although he granted Commissions for collecting certain Duties and Customs due by Law, yet he made no Commissions for receiving the Subsidy of Tunnage and Poundage, until the same was granted unto him in Parliament. Since his time, all the Kings and Queens of this Realm have had the like Grants for life, by the free love and good will of the Subjects. And whensoever the People have been grieved, by laying any Impositions or other Charges upon their Goods and Merchandises, without Authority of Law (which hath been very seldom) Yet upon complaint in Parliament, they have been forthwith relieved; saving in the time of your Royal Father, who having, through ill counsel, raised the Rates and Charges upon Merchandises to that height at which they now are, yet he was pleased so far forth to yield to the complaint of his People, as to offer, That if the value of those Impositions which he had set might be made good unto him, he would bind himself and his Heirs, by Act of Parliament, never to lay any other: Which offer, the Commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless, your Loyal Commons in this Parliament, out of their especial zeal to your Service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a Grant of Subsidy of Tunnage or Poundage to your Majesty, that both you might have been the better enabled for the defence of your Realm, and your Subjects, by being secure from all undue Charges, be the more encouraged chearfully to proceed in their course of Trade; by the increase whereof, your Majesties profit, and likewise the strength of the Kingdom, would be very much augmented.

But not being now able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their Countrey, save only to make this humble Declaration, That the receiving of Tunnage and Poundage, and other Impositions, not granted by Parliament, is a breach of the Fundamental Liberties of this Kingdom, and contrary to your Majesties Royal Answer to the said Petition of Right. And therefore they do most humbly beseech your Majesty, to forbear any further receiving of the same; and not to take it in ill part from those of your Majesties loving Subjects, who shall refuse to make payment of any such Charges, without warrant of Law demanded.

And as by this forbearance, your most Excellent Majesty shall manifest unto the World your Royal Justice, in the observation of your Laws: So they doubt not, but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesties Honour and Profit.

**M**r. Noy, after the reading hereof, moved the House, that his Majesty might be requested, that the Merchants might ship their Goods without a Cocket, otherwise they do forfeit their Goods.

Mr. Noy.

June

June 26. The Speaker being sent for to the King at *Whitehall*, came not into the House till about nine a clock. And after Prayers, the Remonstrance concerning Tunnage and Poundage being ingrossed, was a reading in the House, and while it was a reading, the King sent for the Speaker, and the whole House, and the King made a Speech as followeth.

The King ends  
this Session in  
Person, and  
declares the  
reason.

A ' **I**T may seem strange, that I came so suddenly to end this Session ; ' before I give my assent to the Bills, I will tell you the cause, ' though I must avow, that I owe the account of my actions to God ' alone. It is known to every one, that a while ago the House of ' Commons gave me a Remonstrance, how acceptable every man may ' judge ; and for the merit of it, I will not call that in question, for I ' am sure no wise man can justifie it.

B ' Now since I am truly informed, that a second Remonstrance is ' preparing for me to take away the profit of my Tunnage and Poun- ' dage, one of the chief maintenances of my Crown, by alledging, ' I have given away my Right thereto by my Answer to your Pe- ' tition.

C ' This is so prejudicial unto me, that I am forced to end this Session ' some few hours before I meant, being not willing to receive any more ' Remonstrances, to which I must give a harsh Answer. And since I see, ' that even the House of Commons begins already to make false con- ' structions of what I granted in your Petition, lest it be worse interpre- ' ted in the Countrey, I will now make a Declaration concerning the ' true intent thereof.

D ' The profession of both Houses in the time of hammering this Pe- ' tition, was no way to trench upon my Prerogative, saying they had ' neither intention or power to hurt it. Therefore it must needs be con- ' ceived, that I have granted no new, but only confirmed the ancient Li- ' berties of my Subjects. Yet to shew the clearness of my intentions, that ' I neither repent, nor mean to recede from any thing I have promised ' you, I do here declare my self, That those things which have been ' done, whereby many have had some cause to expect the Liberties of ' the Subjects to be trespassed upon, which indeed was the first and true ' ground of the Petition, shall not hereafter be drawn into example for ' your prejudice, and from time to time, in the word of a King, ye shall ' not have the like cause to complain. But as for Tunnage and Poundage, ' it is a thing I cannot want, and was never intended by you to ask, nor ' meant by me, I am sure, to grant.

E ' To conclude, I command you all that are here to take notice of ' what I have spoken at this time, to be the true intent and meaning of ' what I granted you in your Petition; but especially you, my Lords, ' the Judges, for to you only, under me, belongs the interpretation of ' Laws, for none of the Houses of Parliament, either joyned or separate, ' (what new Doctrine soever may be raised) have any power either to ' make or declare a Law without my consent.

F After this Speech ended, the Bill of Subsidy was delivered to the Speaker, standing at the Bar in the Lords House, who made a short Speech, and shewed, that it was the greatest gift that ever was given in so short a time. And so craving pardon for the errors of the House, and his own, (which he knew to be very many) he desired the King to give his Royal Assent.

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The King came so suddenly and unexpectedly to the House, that the Lords were not in their Robes, and the Commons had given no direction or order for the Speaker to deliver the Bill of Subsidies. Neither was it brought down to the Commons House, as it was used, but the Bills were read, and the Bill for the Sabbath, for Recusants Children, for Alehouse-Keepers, for continuance of Statutes, for the Clergies Subsidy, for the Lay Subsidy, all passed. But for the Bill for Explanation of the Statutes 3 Jac. about Leases of Recusants Lands, the King said, That in this short time he had not time sufficient to consider thereof; but he said, he found many Errors therein, though the Title be fair; and if at the next Meeting they would amend those Errors, it should pass.

Many private Bills passed also, and after they were all read, their Titles, and the Kings Answer to them, which to the publick Bills was *Le Roy le veult, to the private, Soit fait come il est desire.*

The Lord Keeper said, It is his Majesties pleasure that this Session now end, and that the Parliament be Prorogued till the Twentieth of October next.

*At this Parliament, which began at Westminster the 17 of March, Anno Regni R. Caroli 3. these Acts were passed.*

**F**irst, *An Act for further Reformation of sundry abuses committed on the Lords Day, called Sunday.*

2. *The Petition exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Priviledges of the Subject, with the Kings assent therunto in full Parliament.*

3. *An Act for repressing all unlicensed Alehouses.*

4. *An Act to restrain the sending over of any to be Popishly bred beyond the Seas.*

5. *An Act for the establishing of Sutton's Hospital, &c.*

6. *An Act for the establishing of Tenants Estates of Bromfield and Yale, in the County of Denbigh, &c.*

7. *An Act for the Continuance and Repeal of divers Statutes, &c.*

8. *An Act for Five entire Subsidies granted by the Clergy.*

9. *An Act concerning the Title, &c. of Earl of Arundel, and for the annexing of the Castle of Arundel, and other Lands, to the said Title of Earl of Arundel.*

10. *An Act to assure the Jointure of the Lady Francis Nevil, and to enable the Lord Abergavenny to sell Lands.*

11. *An Act concerning the Lands of William Earl of Devon.*

12. *An Act to confirm the Estates of the Lord Morley's Tenants in Tatham and Gressingham.*

13. *An Act for re-estating of Lands of William Morgan Esq; and discharging the Trust concerning them.*

14. *A Declaration of the Commons against Dr. Manwaring.*

15. *An Act to enable Dutton Lord Gerrard to make a Joyniture to any Wife that he shall hereafter marry, and to provide for younger Children, and the securing of Portions for Alice, Frances, and Elizabeth Gerrard, Sisters of the said Lord Gerrard.*

16. *An Act for restitution in Bloud of Carew Rawleigh Esq; and to confirm Letters Patents made to the Earl of Bristol by King James.*

- A 17. An Act for the Naturalizing of Isaac Ashley, Henry Ashley, Thomas Ashley, and Bernard Ashley, Sons of Sir Jacob Ashley Knight.  
 18. An Act for Naturalizing of Samuel Powel.  
 19. An Act for Naturalizing of Alexander Livingston Gent.  
 20. An Act for the Naturalizing of John Trumbal, and of William Beere, Edward Beere, and Sidney Beere, and Samuel Wentworth.  
 21. An Act for the amendment of a word miswritten in an Act made An.  
 21 Jac. R. to enable Vincent Lowe Esq; to sell Lands, &c.  
 22. An Act for Naturalizing of Sir Robert Ayton Knight.  
 23. An Act for confirmation of Letters Patents made by King James to John Earl of Bristol.  
 24. An Act for Naturalizing of John Aldersey, Mary Aldersey, Anne Aldersey, Eliz. Aldersey, and Margaret Aldersey, &c.  
 25. An Act for the Naturalizing of Daniel Delingue Knight.  
 B 25. An Act for the Naturalizing of Sir Robert Dyel Knight, and George Kirk Esq.  
 27. An Act for the Naturalizing of James Freese.

*In the Interval between the two Sessions, there hapned many remarkable passages.*

C D Octor Manwaring's Sermons intituled, *Religion and Allegiance*, were suppressed by Proclamation, the King declaring, that though the grounds thereof were rightly laid to perswade obedience from Subjects to their Sovereign, and that for Conscience sake; yet in divers passages, inferences, and applications thereof, trenching upon the Laws of this Land, and proceedings of Parliaments, whereof he was ignorant, he so far erred, that he had drawn upon himself the just censure and sentence of the High Court of Parliament, by whose Judgment also that Book stands condemned: Wherefore being desirous to remove occasions of scandal, he thought fit that those Sermons, in regard of their influences and applications be totally suppressed.

Dr. Manwaring's Sermons suppressed by Proclamation.

D Then a Proclamation came forth, declaring the Kings pleasure for proceedings with Popish Recusants, and directions to his Commissioners for making Compositions for two parts of three of their Estates, which, by Law were due to his Majesty; nevertheless (for the most part) they got off upon easie terms, by reason of Compositions at under-values, and by Letters of Grace and Protection, granted from time to time most of the wealthiest of them.

A Proclamation and Commission concerning Composition with Recusants.

E This was seconded with another Proclamation, commanding, that diligent search be made for all Priests and Jesuites (particularly the Bishop of Calcedon) and others, that have taken Orders by authority from the See of Rome, that they be apprehended, and committed to the Gaol of that County where they shall be found, there to remain without Bail or Mainprize, till they be tried by due course of Law; and if, upon trial and conviction, there shall be cause to respite the execution of any of them, they shall not lie in the common Gaols, much less wander about at large, but according to the example of former times be sent to the Castle of Wisbich, or some other safe Prison, where they shall remain under strait and close custody, and be wholly restrained

A Proclamation against the Bishop of Calcedon.

An. 1628.

Romish Priests  
to be sent to  
Wisbitch.Jesuites taken  
at Clerkenwell,  
ordered to be  
proceeded  
against.Order to  
Search what  
Recusants are  
about London.Sir Richard  
Weston and Bi-  
shop Laud ad-  
vanced.Mr. Montague  
advanced, and  
his Appello  
c. sarem called  
in.

strained from exercising the Function, and spreading their superstitious and dangerous Doctrines.

Hereupon the Privy-Council wrote to the Bishop of Ely a Letter of the tenour following.

**W**Hereas his Majesty hath been informed, that the Romish Priests, Jesuites, and Seminaries lurking in this Kingdom, do obstinately and maliciously continue their wonted practices to supplant the true Religion established, and to seduce his People from obedience, stir up sedition, and subvert the State and Government so far as it lieth in their power: His Majesty therefore hath commanded us to signifie unto your Lordships, that it is his express will and pleasure, according to his Declaration in Parliament, and his Royal Proclamation since published, you shall forthwith prepare and make ready the Castle of *Wisbitch*, in the Isle of *Ely*, to receive and lodge all such Priests, Jesuites, and Seminaries, and other Prisoners, as shall be thereafter sent thither, and there treat and govern them according to such instructions and directions, as shall be prescribed by this Board.

The Jesuites taken in *Clerkenwell* being then in several Prisons, it was ordered by the Council they should all be removed to *Newgate*, and such of them as were not yet convicted and condemned, should be proceeded against until they were condemned, and then that they all should be sent to the Castle of *Wisbitch*, according to the Proclamation in that behalf: And the Attorney-General was required to take course to entitle the King to the Goods taken in the House which was designed for a Colledge; and accordingly they were proceeded against, and but only one convicted: Which proceeding was questioned in the ensuing Session of Parliament.

And upon Information, that there was a greater concourse of Recusants in or near *London* than had been usual at other times, the Privy-Council sent to the Lord Mayor, to require him to cause diligent search to be made within the City and Liberties thereof, and to find out what Recusants did inhabit or remain there as House-keepers, Inmates, or Lodgers, or in any manner, and to return a Certificate to the Board, both of their names and qualities, distinguishing which were Tradesmen that were there by occasion of their Trades, according to the Statute in that behalf, and which were of no Trade, but resorted thither from other parts of the Kingdom.

*July 15.* (being St. Swithin's day) Sir Richard Weston, Chancellor of the Exchequer, was made Lord Treasurer of England; and the same day was Bishop Laud translated to the Bishoprick of *London*.

About the same time, Mr. Montague, formerly mentioned, was designed to the Bishoprick of *Chichester*, upon the decease of Bishop Carleton. Nevertheless his *Appello Cæsarem* was thought fit to be called in, the King declaring, that out of his care to maintain the Church in the unity of true Religion, and the bond of peace, to prevent unnecessary disputes, he had lately caused the Articles of Religion to be reprinted, as a rule for avoiding diversities of opinions; and considering that a Book written by *Richard Montagne*, now Bishop of *Chichester*, intituled, *Appello Cæsarem*, was the first cause of those disputes and differences,

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Aences, which since have much troubled the quiet of the Church, he would take away occasion, by commanding all persons that had any of those Books in their hands to deliver them to the Bishop of the Diocese; or if it be in either Universities, to the Chancellor and Vice-Chancellor thereof, who were commanded to suppress them. And if any by preaching, reading, or making of Books *pro* and *contra*, concerning those unnecessary questions shall revive the difference, he was resolved to take such order with them, and those Books, as they shall wish they had never thought upon those needless Controversies.

Preaching and Writing *Pro* and *Con* about unnecessary questions prohibited.

B But ere this Proclamation was published, the Books were for the most part vented, and out of danger of seizure, and the suppressing of all writing and preaching in Answer thereunto, was (it seems by some) the thing mainly intended; for the several Answers made by Doctor Featly, and Doctor Goud, in their Parallels, by Master Burton, Master Ward, Master Yates, Master Wotton, as also by *Francis Rows Esq;* in a Book called, King James's Religion, were all suppressed, and divers of the Printers questioned in High Commission.

C Moreover Bishop Montague, and Doctor Manwaring, procured a Royal Pardon of all Errors heretofore committed by them, either in speaking, writing, or printing, for which they might be hereafter questioned: And Doctor Manwaring, censured by the Lords in Parliament, and perpetually disabled from future Ecclesiastical Preferments in the Church of England, was immediately presented to the Rectory of Stamford Rivers in Essex, and had a Dispensation to hold it, together with the Rectory of St. Giles's in the Fields.

A Pardon granted to Dr. Manwaring and Dr. Montague.

D The Town of *Rochel* was at this time straitly beleagured by the French King, and the King of England had prepared a Fleet to relieve it, under the command of the Duke of Buckingham, who being advanced as far as *Portsmouth*, on Saturday August 23. being Bartholomew Eve, was suddenly slain in his own Lodgings there, by one Lieutenant

Rochel close besieged, and relief designed

E Felton, about nine in the morning, who with one blow, having got a Knife for the purpose, struck the Duke under the left rib, and up into the heart, leaving the Knife in his body, and got away undiscovered. In the fall to the ground, the Duke was heard to say, *The Villain hath killed me.* Company coming presently in, found him weltring in his bloud; and each person looking upon another, marvelled who should do so horrid an act: a jealousie was presently had of Monsieur Sobiez, who was then there labouring for speedy relief to be sent to *Rochel*;

The Duke slain.

F but he protesting his innocency, Felton immediately stopt out, and said, *I am the man that have done the deed, let no man suffer that is innocent.* Whereupon he was immediately apprehended, sent to London, and there imprisoned. The King was within four miles of *Portsmouth*, when the news was brought him of the death of the Duke: he bid secure the Murderer: And Bishop Laud had advertisement of his death the 24. of August, being then at *Croyden*, with Bishop Neal and other Bishops, Consecrating Bishop Montague for *Chichester*.

Dr. Montague consecrated Bishop.

G Notwithstanding the death of the Duke, the King pursued the design of relieving *Rochel*, and again sent out a Fleet with Provision and Fire-ships to put relief into the Town; the Fleet went from *Plymouth* the beginning of September, did several times attempt the Barricado, but in vain, and so was enforced to give over any further attempt; which the *Rochellers* perceiving, gave themselves for lost, and immediately came

Rochel again attempted to be relieved, but in vain.

An. 1628. came to a Capitulation, upon very mean terms, as to themselves ; yet Lewis King of France was careful by Articles ( had they been performed ) that those outrages should not be committed upon the entry of the Town ( which the few remaining Inhabitants were much afraid of, and afterwards felt ) and so mixt Mercy with his Conquest ; yet presently after, high outrages were committed, and great was the persecution of the Reformed Churches, which constrained them again to send to the King of England to implore Aid, with these Expressions, *That what they writ, was with their Tears and their blond.* But the Treaty being shortly after made between the two Crowns, all things were settled in peace between the King and those of the Reformed Religion. A

The sad condition of *Rochel* at the surrender.

Concerning the state of *Rochel* at the surrender, we have seen a Relation to this purpose, That the misery of the besieged was almost incredible, having lived long upon Horse-flesh, Hides and Leather, Dogs and Cats, hardly leaving a Horse alive, still in hopes, that the relief promised from *England* would prove effectual to them ; they held it so long, till they were but about four thousand left alive of fifteen thousand Souls, most of them died with famine, and when they begun to be pinched with the extremity of hunger, they died so fast, that they usually carried their Coffins into the Church-yard, and other places, and there laid themselves in and died ; great numbers of them being unburied when the Forces of the King of *France* entred the Town, and many Corps eaten with Vermine, Ravens and Birds. B

Defects in the relief of *Rochel* questioned.

The Fleet which thus put to Sea for the relief of *Rochel*, was defective, both in Victuals, which was tainted, and in Tackling, and other materials ; insomuch as at the return thereof, information being given to the King and Council of divers defaults and defects in the said Ships, Victuals, and Provision, of this and the former Expedition to *Rochel* ; and in the Discipline and performance of commands and resolutions taken in that action, to the great prejudice of the Service ; it was ordered, that the Earls of *Denbigh*, *Linsey*, and *Morton*, and the Lord *Wilmott*, and Master Secretary *Cook*, should forthwith meet together, and consider of the Relation made by the Earl of *Linsey*, and inform themselves of defaults in the particulars before mentioned, and make report thereof to the Board. The *Scots*, under the command of the Earl of *Morton*, and some *Irish* also, were sent to quarter in the Isle of *Wight*, which Island was unacquainted with the quartering of Foreigners. C

Outrages committed by the Soldiers.

In *Essex* many robberies and outrages were committed by the Soldiers then returned from Sea. Whereupon the Privy-Counsellors required the Justices of Peace in that County, to choose a Provost-Marshall, for the apprehending of all such as wandred up and down the Country, or behaved themselves disorderly, that they might be punished according to Law ; and to cause strong Guards and Watches to be kept in all passages. D

Advertisement of Foreign designs.

And upon advertisement of some hostile preparations from Foreign Enemies, the Privy-Council taking care for securing the Coasts in *Kent*, *Suffolk*, *Hampshire*, *Dorsetshire*, and *Devonshire*, renewed their directions to the Lords of those Counties, for the careful watching of Beacons, &c. F

The King of Denmark assisted with Forces.

About the time the Fleet went last to the relief of *Rochel*, the King being sollicited by the Ambassadors of the King of *Denmark*, and the United Provinces, to send Shipping to secure the *Elbe*, and men for the defence of *Luckstat*, resolved upon the sending of five Ships accordingly, but

but first to dispatch the men for the relief of the Town, the preservation whereof did mainly impart the security of the River, wherefore the Regiments then remaining in several of the States Garrison Towns, which were reformed out of four Regiments, under the Command of Sir Charles Morgan, and supposed to consist of two thousand men, were designed for this Employment; But in regard that by the Capitulations at the rendering of Stoade, these Soldiers were first to touch in *England* before they

A could engage in war against the Emperour, they were appointed to come to *Harwich*, and so sail thence to *Luckstat*, under the Command of their former General, and by reason of the absence of the *English* Fleet upon the Service of *Rochel*, the States and the Prince of *Orange* were desired to accommodate them with Ships of Convoy in crossing the Seas. But a while after the King considering that the six months wherein that Regiment was bound not to serve against the Emperour were near expiring, and the Winter approaching, which by foul Weather and contrary Winds, might expose both Men and Ships to great danger in their crossing the Seas to *England*, and cause unnecessary charge, commanded Sir Charles Morgan to forbear to touch at *Harwich*, but to shape his course by the nearest and straightest way from *Holland* to *Luckstat*, and to stay at the place of embarking, so many days as, with the time which will be taken up in their passage, may accomplish the full six months; Moreover, these Reformed Regiments brought from *Stoade*, being found upon their Mustering fourteen hundred, the King made a Supply of six hundred more by borrowing six or eight men out of every Company, serving in the States pay, under the Conduct of the Lord Vere, the season of the year not permitting to rely upon new Recruits from *England*, for which he engaged his Royal word to the States and the Prince of *Orange*, that for every man they lent him, he would send them two as soon as his Forces return from *Rochel*.

D Touching the Horse levied in *Germany*, and intended (as we said) to be transported into *England*, about the last Session of Parliament the Privy Council now wrote to *Dalbeare* upon certain overtures made by the King of *Sweden* and the Duke of *Savoy* to receive them into their Pay and Service, that he might dispose of the said Cavalry to those Princes being his Majesties Friends and Allies, with condition that his Majesty be no further charged with their pay, transportation, or entertainment in any manner whatsoever.

E After the death of the Duke, the King seemed to take none to favour so much as Dr. *Laud* Bishop of *London*, to whom he sent many gracious Messages, and also writ unto him with his own hand, the which contained much grace and favour, and immediately afterwards none became so intimate with his Majesty as the said Bishop.

F **B**Y Orders from the Bishop, there were then entred in the Docket-book several Conge d'estiers and Royal assents for Dr. May to be Bishop of Bath and Wells, for Dr. Corbet to be Bishop of Oxford, and for Samuel Harsenet then Bishop of Norwich, to be Archbishop of York.

In the University of Oxford, Bishop Laud bore the sway. The Lord Chancellor William Earl of Pembrook committing his power into his hands. And this year he framed the Statutes for the reducing and limiting the free Election of Proctors, which before (as himself said) were Factious and tumultuary to the several Colleges by course.

The Germans  
Horse disposed of.

Dr. Laud in  
favor with the  
King.

Congé d'ellier  
for certain Bish-  
ops.

An. 1628.

The Meeting  
of the Parlia-  
ment adjourned  
to Jan. 20.  
Great resort  
to Felton in  
Prison.

The meeting of the Parliament appointed to be the 20. of October was by Proclamation the first day of that month Prorogued to the 20. of Jan. following.

Whilst *Felton* remained a Prisoner at *London*, great was the resort of people to see the man who had committed so bold a murder, others came to understand what were the Motives and inducements thereunto; to which the man for the most part answered, that he did acknowledge the Fact, and condemned himself for the doing thereof. Yet withall confessed he had long looked upon the Duke as an evil Instrument in the Common-wealth, and that he was convinced thereof by the Remonstrance of Parliament. Which considerations, together with the instigation of the evil One (who is always ready to put sinful motions into speedy actions) induced him to do that which he did; He was a person of a little stature, of a stout and revengeful Spirit, who having once received an injury from a Gentleman, he cut off a piece of his little finger, and sent it with a Challenge to the Gentleman to fight with him, thereby to let him know that he valued not the exposing his whole body to hazard so he might but have an opportunity to be revenged.

*Felton* exami-  
ned before the  
Council.

Threatened to  
be Racked.

The Judges  
opinions taken  
therein.

Afterwards *Felton* was called before the Council, where he confessed much of what is before mentioned concerning his inducement to the Murder: the Council much pressed him to confess who set him on work to do such a bloody A&t, and if the *Puritans* had no hand therein; he denied they had, and so he did to the last, that no person whatsoever knew any thing of his intentions or purpose to kill the Duke, that he revealed it to none living. Dr. *Laud* Bishop of *London* being then at the Council-Table, told him if he would not confess, he must go to the Rack, *Felton* replied, if it must be so he could not tell whom he might nominate in the extremity of torture, and if what he should say then must go for truth, he could not tell whether his Lordship (meaning the Bishop of *London*) or which of their Lordships he might name, for torture might draw unexpected things from him: after this he was asked no more questions, but sent back to prison. The Council then fell into Debate, whether by the Law of the Land they could justifie the putting him to the Rack; The King being at Council said, before any such thing should be done, let the advice of the Judges be had therein, whether it be Legal or no, and afterwards his Majesty the 13. of November 4 Car. propounded the question to Sir Tho. Richardson, Lord Chief Justice of the Common Pleas, to be propounded to all the Justices, (*viz.*) *Felton* now a Prisoner in the Tower, having confessed that he had killed the Duke of *Buckingham*, and said he was induced to this, partly for private displeasure, and partly by reason of Remonstrance in Parliament, having also read some Books, which, he said, defended that it was lawful to kill an enemy to the Republick, the question therefore is, whether by the Law he might not be Racked, and whether there were any Law against it, (for said the King) if it might be done by Law, he would not use his Prerogative in this Point, and having put this Question to the Lord Chief Justice, the King commanded him to demand the resolutions of all the Judges.

First the Justices of *Serjeants Inn* in *Chancery Lane* did meet and agree, that the King may not in this case put the party to the Rack. And the fourteenth of November all the Justices being assembled at *Serjeants Inn* in

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in Fleet-street, agreed in one, that he ought not by the Law to be tortured by the Rack, for no such punishment is known or allowed by our Law.

A And this in case of Treason was brought into this Kingdom in the time of Henry the Sixth: note Fortescue for this Point, in his Book *de landibus legum Anglie*, see the Preamble of the Act 28 H.8. for the Tryal of Felony, where Treasons are done upon the Sea, and Statute 14 Ed. 3. c. 2. of Jaylors or Keepers, who by dures make the Prisoners to be Approvers.

Since the last Session of Parliament, certain Merchants who traded in Wines, had been committed to the Fleet, for the non-payment of an Imposition of 20 s. the Tun, and were now at liberty upon their entring into Bond for the payment of that Imposition.

Merchants committed about Customs.

B Moreover the King in full Council declared his absolute will and pleasure to have the Entry of 2 s. 2 d. the hundred upon all Currants to be satisfied equally with that of 3 s. 4 d. before the landing of that Commodity, it being a Duty laid by Queen Elizabeth, who first gave being to the Levant Company, and which had been paid both in his Fathers time and his own, and that their Majesties were equally possessed of the whole sum of 5 s. 6 d. the hundred by a solemn and legal Judgment in the Exchequer, and he straightly charged his Council to examine the great abuse in this point, and to make a full reparation to his Honour by inflicting punishment as well upon Officers as Merchants, that for the future they may beware of committing such contempts.

Merchants summoned to the Council Table.

C D And divers Merchants of London having forcibly Landed, and endeavoured to carry away their Goods and Merchandizes from the Custom-house-Key, without payment of Duties, were summoned to the Council Table: And the Council was informed against them, that they had caused great and unlawful assemblies of people to be gathered together, to the Breach of the Kings Peace, and Mr. Chambers was committed to Prison by the Lords of the Council, for some words spoken at that time, Michaelmas 4 Car.

Mr. Chambers brought up with a *Habeas Corpus*, and bailed.

E F Richard Chambers being in Prison in the *Marskesey Del hostel de Roy*, desired an *Habeas Corpus*, and had it, which being returnable upon the 16 day of October, the Marshal returned, that he was committed to Prison the 28 of September last, by the Command of the Lords of the Council. The Warrant *verbatim* was, that he was committed for insolent behaviour, and words spoken at the Council-Table, which was subscribed for by the Lord Keeper, and twelve others of the Council. [The words were as information was given, though not expressed in the Return, That such great Customs and impositions were required from the Merchants in England, as were in other place, and that they were more screwed up, than under the Turk.] And because it was not mentioned what the words were, so as the Court might adjudge of them, the Return was held insufficient, and the Warden of the Prison advised to amend his Return: and he was by the Rule of the Court appointed to bring his Prisoner by such a day without a new *Habeas Corpus*, and the Prisoner was advised by the Court, That in the mean time he should submit to the Lords, and Petition them for his enlargement, The Warden of the Prison bring-

An. 1628.

ing the Prisoner in again in Court, the 23 day of *October*. Then Mr. *Jermin* for the Prisoner moved, That forasmuch as it appeared by the Return, that he was not committed for Treason or Felony, nor doth it appear what the words were, whereto he might give answer; he therefore prayed, he might be dismissed or bailed. But the King's Attorney moved, that he might have day until the 25 of *October*, to consider of the Return, and be informed of the words, and that in the *interim*, the Prisoner might attend the Council-Table and Petition. But the Prisoner affirmed, That he oftentimes had assayed by Petition, and could not prevail, although he had not done it since the beginning of *October*; and he prayed the Justice of the Law, and the Inheritance of a Subject; Whereupon, at his importunity, the Court commanded him to be bailed: and he was bound in a Recognizance of four hundred pounds, and four good Merchants, his Sureties, were bound in Recognizance of one hundred pounds apiece, that he should appear here in *Craftino animarum*, and in the *interim* should be of the good behaviour: And advertised him, they might for contemptuous words, cause an Indictment or Information in this Court to be drawn against him, if they would.

Lords of the  
Council dissatisfied with his  
bailing.

The Lords of the Council were much dissatisfied with the bailing of *Chambers*. Whereupon the Judges were sent for to the Lord Keeper at *Durham-house*, where were present, besides the Lord Keeper, the Lord Treasurer, Lord Privy-seal, and the Chancellor of the Dutchy: And the Lord Keeper then declared unto them, that the said enlargement of *Chambers* was without due regard had to the Privy-Council, in not first acquainting them therewith. To this the Judges answered, That to keep a fair correspondence with their Lordships, they had, by the Lord Chief Justice, acquainted the Lord Keeper in private therewith, before they bailed the party: And that what they had done as to the bailing of the Prisoner, was according to Law and Justice, and the Conscience of the Judges. To this it was replied, That it was necessary, for the preservation of the State, that the Power and Dignity of the Council-Table should be preserved, and that it could not be done without correspondence from the Courts of Justice. So they parted in very fair terms.

*Felton* brought  
to trial.

Confesseth the  
Fact.

Tenders his  
hand to be  
cut off.

On Thursday the 27 of November, *Felton* was removed from the *Tower* to the *Gate-house*, in order to his Trial, and was the same day brought by the Sheriffs of *London* to the *Kings Bench Bar*, and the Indictment being read, he was demanded whether he were guilty of the murder therin mentioned: He answered, he was guilty in killing the Duke of *Buc.* and further said, that he did deserve death for the same, though he did not do it out of malice to him. So the Court passed Sentence of death upon him; whereupon he offered that hand to be cut off that did the fact; but the Court could not, upon his own offer, inflict that further punishment upon him: Nevertheless the King sent to the Judges to intimate his desire, that his hand might be cut off before execution. But the Court answered, that it could not be; for in all Murders, the Judgement was the same, unless when the Statute of 25 E. 3. did alter the nature of the offence, and upon a several Indictment, as it was in Queen *Elizabeth's* time, when a Felon at the Bar flung a stone at a Judge upon the Bench, for which he was indicted, and his Sentence was to have his

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his hand cut off; which was accord ingly done. And they also proceeded against him upon the other Indictment for Felony, for which he was found guilty, and afterwards hanged. And *Felton* was afterwards hung up in Chains, in manner as is usual upon notorious Murders.

4 Caro.  
Hung in  
Chains.

A **I**N Michaelmas Term, the Farmers and Officers of the *Custom-house* seized great quantities of Currants belonging to Mr. *Samuel Vassal* of London, Merchant, because he refused to pay an Imposition of five shillings and six pence upon every hundred weight of the said Currants so imported, alledged to be due, and demanded on his Majesties behalf: Mr. *Vassal* refused to pay the same, conceiving it was an Imposition against the Law of the Land. Whereupon the Kings Attorney-General exhibited an Information in the Exchequer against the said *Vassal*, setting forth, that King *James* did, by his Letters Patents, command the taking the said Imposition; and that his Majesty that now is, by his Letters Patents, dated 26 Junii, 2 Caro., by the advice of his Privy-Council, did declare his will and pleasure to be, that Subsidies, Customs, and Impost should be levied in such manner, as they were in the time of King *James*, until it might receive a settling by Parliament; and the Information did set forth, that the said *Samuel Vassal*, before the first day of October 4 Car. did bring into the Port of London 4638 hundred weight of Currants, for which he refused to pay Custom.

Mr. *Vassal's*  
Goods seized  
on for denying  
Customs.

Information  
preferred  
against him.

C **T**o this Information, the said *Samuel Vassal* appeared, and pleaded the Statute of *Magna Charta*, and the Statute *De talugio non concedendo*; and that he was a Subject born under the King's Allegiance, and a Merchant, and that the said Imposition of five shillings six pence upon every hundred weight of Currants, was not *Antiqua seu recta consuetudo*, and that it was imposed without assent of Parliament: To which Plea, the said Attorney-General demurred in Law, and Mr. *Vassal* joyned in demurer, &c.

Mr. *Vassal's*  
Plea to the In-  
formation.

D **A**fterwards the Barons of the Exchequer did publickly deny to hear Mr. *Vassals* Counsel to argue for him, saying, That his the said *Vassals* Case would fall under the same rule with one *Bates* Case, and therefore the Case was already adjudged. Master *Vassals* Counsel alledged, That they had nothing to do with *Bates* his Case, but desired to argue Master *Vassals* Case: The Barons replied, That they knew the opinion of the the Court, and should be heard no further; and said, That the King was in possession, and they would keep him in possession. And shortly after, the Court of Exchequer imprisoned the said Mr. *Vassal*, for not paying such sums of money, as the Officers of the *Custom-house* required, as due upon the said Imposition; and he could not obtain restitution of his Goods, and the Court gave their opinion upon the said Information for the King against Mr. *Vassal*.

Mr. *Chambers*  
Goods seized  
on for not pay-  
ing Customs.

F **A**bout the same time, divers Goods and Merchandises belonging to *Richard Chambers* of London, Merchant, were seized and conveyed into Store-houses at the *Custom-house*, by the Officers of the Custom, because the said *Chambers* refused to pay the Subsidy of Tannage and Poundage demanded by the Farmers, the said *Chambers* conceiving no such Subsidy or Duty was due or payable, the same having not been granted by Parliament to his Majesty, and having sued forth a Writ of *Replevin*, the proper remedy in Law to regain the possession of his Goods; the Barons of the Exchequer did order an Injunction, under the

A Replevin  
sued out.

And super-  
eded.

An. 1628. | the Seal of the said Court, directed to the Sheriffs of *London*, commanding them thereby not to execute the said Writ, or any the like Writs of *Replevin*, that should afterwards be sued forth by any person or persons, for the delivery of any Goods in the like nature detained, and did declare publickly in Court, that the said Goods by Law were not repleviable; and the Sheriffs of *London* did accordingly forbear to execute the said Writ of *Replevin*. Master *Chambers* finding this obstruction, offered to give great security unto the Court, for payment of such Duties as should be made apparent to be made payable to his Majesty in such manner, as the said Barons should direct the Court; afterwards debating this matter, they would not give way thereunto, unless the said *Chambers* would deposite all such sums of Money, as the said Officers respectively demanded of him, for Duties to his Majesty, which he refused to do. The Court did order the Officers of the Custom to detain double value of the sums by them demanded for Duties to his Majesty, and to restore the residue.

Mr. Rolls a Merchant.

Private Consultations about the ensuing Parliament.

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The same course of proceeding the Barons of the Exchequer held in the case of Mr. *John Rolls* in *London*, Merchant, whose Goods were detained for not paying of Tunnage and Poundage.

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The meeting of the Parliament now drawing nigh, the King consults with a select Committee of his Privy Councillors, what probably the Parliament, at their next meeting, would insist upon, and how the Privy Council (who are Members of the Parliament) shall demean themselves in such cases: And first, it was proposed to his Majesty's consideration, That if in the House of Commons it shall be moved with any strength, that the Merchants Goods be delivered, before they proceed to the Bill of Tunnage and Poundage, the Answer by such as are Privy Counsellors and Members of the House to be, That if the House intend to grant Tunnage and Poundage to the King, as it hath been granted to his Predecessors, it will end all dispute; but if they proceed otherwise, then before they come to a resolution, the King to speak to them, and to declare, That though his Predecessors claimed it not but by Grant of Parliament, yet took it *de facto*, until it was granted by Parliament, and that his Majesty hath done the like; and that if they will pass the Bill to his Majesty, as his Ancestors had it, his Majesty will do any reasonable thing, to declare, that he claims not Tunnage and Poundage otherwise than by Grant in Parliament; but if this do not satisfie, then to avow a breach upon just cause given, not sought by the King.

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And for bringing the Kings business to a speedy issue, it was advised, That the Bill of Tunnage and Poundage be prepared before the Parliament sit, in the same form as it passed to King *James*, adding words to give it from the first day of the Kings Reign, and that the Bill be presented at the first sitting of the Parliament, and the Privy Council of the House to declare, that his Majesty caused it to be timely presented, to cut off all questions and debates, and to perswade them to a dispatch thereof, and that they will return a speedy Answer, whether they will grant Tunnage and Poundage or not.

They also took into consideration divers other matters, which they

A they apprehended the Parliament would insist upon, as proceeding to censure the actions of the Duke of *Buckingham*, to accuse some of the Kings Servants now living, upon common Fame, to cast personal aspersions in Parliament upon the Kings Councillors, or to charge them with giving ill counsel to the King, to handle questions touching matters of Religion, proper for his Majesty, and a Convocation to determine, to raise objections against his Majesties Speech the last day of the last Session, as trenching upon the Liberty of the Subject, in these and the like cases, the Privy Council of the House were to be instructed how to demean themselves, and to advise all fair and possible means to have a good agreement between his Majesty and his People. But in case the House proceed upon any of the particulars before mentioned, and draw towards a resolution, that the Privy Council who are of the House, do intimate that these Debates will tend to a breach, and will not be admitted of, and the King thereupon to declare himself presently, that he will not suffer such irregular courses of proceeding.

B **S**O soon as the Parliament reassembled on *Tuesday* the 20. of *Jan.* In the first place, the Commons inquired whether the Petition of Right, with his Majesties Answer unto it were inrolled in the Parliament Rolls, and the Courts of *Westminster*, as his Majesty promised them the last Session: and they found his Majesties Speech made the last day of the Session, entred by his Majesties Command, together with the Petition, and *Norton* the Kings Printer being called into the House and demanded by what Warrant the Additions (besides his Majesties Answer) to the Petition of Right were printed, he said there was a Warrant as he thought from the King himself, and being demanded whether there were some Copies printed without Additions, he said there were about 1500. but they were suppressed by Warrant, and Mr. Attorney General commanded that no more of them should be printed, and that those that were first printed should not be divulged.

C D The next thing taken into consideration, was the violation of the Liberties of the People, since the end of the last Session, even contrary to the Petition of Right, some having been since the time committed; and a Command sent to the Sheriff, not to execute a *Replevin*, when mens Goods and Merchandizes have been taken away, and it was instanced in the Case of Mr. *Rolls* a Merchant, and known to be a Member of the House, to whom it was said by some of the Officers of the *Custom-House*, *If all the Parliament were in you, we would take your Goods.*

The Parlia-  
men- meets,  
they require  
whether the  
Petition of  
Right be en-  
rolled.

What were  
the violations  
of the Subjects  
Liberties since  
the last Parlia-  
ment.

E Whereupon Sir *Robert Philips* made this Speech.

F **B**Y this Information you see how unfortunate these times are, and how full time it was for this Assembly to meet to serve his Majesty, and to serve their Country, and I am confident, that coming hither with fulness of affection, to our King and Country, all will conduce to a happy Conclusion and the Kings Honour: Indeed our own great and weighty Affairs wound deep, cast your eyes which way you please, you shall see violations on all sides, look on the Liberty of the Subject, look on the Priviledge of this House, let any say if ever he saw or read the like violations by inferior Ministers that over-do their Command; they knew the party was a Parliament man, nay, they say if all the Parliament were in you, this we would do and justify it. If we suffer the Priviledge of Parliament

Sir Robert Phi-  
lips Speech  
concerning  
that matter.

A  
n. 1628.

ment and Liberty of Subjects to be thus violated, for fear of complaint, we give a wound to the happiness of the Kingdom. The course of Justice is interrupted, and an Order in the Exchequer made for the stay of the Goods, and since there is a seizure, upon the approach of Parliament, of Goods amounting to five thousand pounds, for a pretended duty of two hundred pounds custom, it's time to look about us.

In the first year of King James, by reason of the sickness that there was, the Parliament was Prorogued; and then there were some so bold as to take this Turnage and Poundage, and then we questioned the men that demanded it. Let us proceed with affection of duty, and make up breaches, let a Committee be appointed for the examination of these proceedings.

The matter was referred to a Committee.

This business was referred to a Committee, and the Officers of the Custom-House (who had seized these Merchants Goods) were ordered to be sent for, and whilst they were in Debate of this business, the King sent a Message to the House, and willed them to desist from further Debate of those matters concerning Turnage and Poundage, till the next day in the Afternoon, at which time, he would speak with them at the Banqueting-House at White-hall, where his Majesty made this Speech.

The Kings Speech to both Houses in the Banqueting House.

B  
C  
D  
E  
F  
**T**He care I have to remove all Obstacles that may hinder the good correspondence between me and this Parliament, is the cause I have called you together at this time, the particular occasion being a complaint made in the lower House. And for you my Lords, I am glad to take this, and all other occasions whereby you may clearly understand both my words and actions, for as you are nearest in Degree, so you are the fittest Witnesses unto Kings.

The complaint I speak of is for staying mens Goods that denied Turnage and Poundage, this may have an easy and short conclusion, if my words and actions be rightly understood: for by passing the Bill as my Ancestors have had it, my by-past actions will be included, and my future proceedings authorized, which certainly would not have been stuck on, if men had not imagined that I had taken these duties as appertaining to my Hereditary Prerogative, in which they are much deceived, for it ever was and still is my meaning, by the gift of my People to enjoy it, and my intention in my Speech at the ending of the last Session concerning this point, was not to challenge Turnage and Poundage as of right, but de bene esse, shewing you the necessity, not the right by which I was to take it, until you had granted it to me, assuring my self, according to your general professions, you wanted time, not will to give it me.

Wherefore now having opportunity. I expect that without loss of time you make good your professions, and so by passing of a Bill, put an end to all the Questions arising from this Subject: especially since I have cleared the only Scruple that can trouble you in this business; to conclude, let us not be jealous one of the others actions, for if I had been easily moved at every occasion, the Order you made on Wednesday last, might have made me startle, there being some shew to suspect that you had given your selves the liberty to be the Inquisitors after complaints (the words of your Order being somewhat too largely pen'd) but looking into your actions, I find you only hear Complainers, not seeking complaints: for I am certain you neither pretend, nor desire the liberty to be Inquisitors of mens actions before particular complaint be made.

This I have spoken to shew you how slow I am to believe harshly of your proceedings, likewise to assure you, that the Houses Resolutions, not particular mens

mens speeches, shall make me judge well or ill, not doubting, but according to my example, you will be deaf to ill reports concerning me, till my words and actions speak for themselves, that so this Session beginning with confidence one towards another, it may end with a perfect good understanding between us : Which God grant.

## Monday the 26 of January.

- A M R. Secretary Cook delivered a Message from the King to the House of Commons, that the Bill for Tunnage and Poundage might be speedily taken into consideration, and that time might not be slipt ; and did very much pres<sup>s</sup> (in his Majesties name) the reading thereof, as a matter of weight and importance; and said, That he spake it for their service, and that moderation in their proceedings would be of great advantage to them. But the House being troubled to have the Bill imposed upon them, which ought naturally to arise from themselves, did at the same time forbear to speak their minds freely, and resolved to husband their time, and did accordingly further impower the Committee to examine violation of Liberty, and Property since the last Session of Parliament ; and resolved to proceed in the next place with matters of Religion, and particularly against the Sect of Arminians. Upon which occasion, Mr. Rous spake to this purpose.
- B The King sends a Message to the House of Commons, speedily to take Tunnage and Poundage again into consideration. But the Commons resolve to proceed in matters of Religion.
- C Mr. Speaker, We have of late entred into consideration of the Petition of Right, and the violation of it, and upon good reason ; for it concerns our Goods, Liberties, and Laws : but there is a Right of higher nature, that preserves for us far greater things, Eternal life, our Souls, yea, our God himself ; a Religion delivered to us from the King of Kings, confirmed upon us by the Kings of this Kingdom, Enacted by Laws in this place, streaming down to us in the bloud of Martyrs, witnessed from Heaven by Miracles, even miraculous deliverances, and this Right, in the name of this Nation, I this day require and claim, that there may be a deep and serious consideration of the violation of it ; I desire it may be considered what new paintings are laid on the old face of the Whore of Babylon, to make her shew more lovely, and to draw so many Suitors to her. I desire that it may be considered, how the See of Rome doth eat into our Religion, and fret into the banks and walls of it, the Laws and Statutes of this Realm, especially since those Laws have been made in a manner by themselves, even by their own Treasons, and bloody Designs : And since that Popery is a confused heap of Errors, casting down Kings before Popes, the Precepts of God before the Traditions of men ( living and reasonable men ) before dead and sensless stocks and stones ; I desire that we may consider the increase of Arminianism, an Error that makes the Grace of God Lackey it after the will of man, that makes the Sheep to keep the Shepherd, and makes a mortal seed of an immortal God. Yea, I desire that we may look into the very belly and bowels of this Trojan Horse, to see if there be not men in it ready to open the Gates to Romish Tyranny, and Spanish Monarchy : for an Arminian is the Spawn of a Papist, and if there come the warmth of favour upon him, you shall see him turn into one of those Frogs that rise out of the bottom-
- D Mr. Rous's Speech concerning Religion.
- E
- F

An. 1628.

less pit ; and if you mark it well, you shall see an Arminian reaching out his hand to a Papist, a Papist to a Jesuite, a Jesuite gives one hand to the Pope, another to the King of Spain, and these men having kindled a fire in our Neighbour-Country, now they have brought some of it over hither, to set on flame this Kingdom also ; Yea, let us further search and consider, whether these be not the men, that break in upon the Goods and Liberties of this Common-wealth, for by this means they make way for the taking away of our Religion : It was an old trick of the Devil, when he meant to take away Job's Religion, he begun at his goods, saying, *Lay thy hand on all he hath, and he will curse thee to thy face.* Either they think thereby to set a distaste between Prince and People, or else to find some other way of supply, to avoid or break Parliaments ; that so they may break in upon our Religion, and bring in their errors. But let us do as Job did, who being constant against temptation, held fast his Religion, and his goods were restored to him with advantage ; so if we hold fast God and our Religion, these things shall be added unto us : Let us consider the times past now, how this Nation flourished in honour and abundance, when Religion flourished amongst us ; but as Religion decayed, so the honour and strength of this Nation decayed also : When the Soul of a Common-wealth is dead, the body cannot longer overlive it. If a man meet a dog alone, the dog is fearful, though never so fierce by nature ; but if that Dog have his Master by him, he will set upon that man, from whence he fled before. This shews, that lower natures being backt with the higher, increase in courage and strength ; and certainly man being backt with Omnipotency, is a kind of Omnipotency. All things are possible to him that believeth, and where all things are possible, there is a kind of Omnipotence. Wherefore let us now, by the unanimous consent and resolution of us all, make a vow and covenant, henceforth to hold fast, I say, to hold fast our God, and our Religion ; and then may we from henceforth certainly expect prosperity on this Kingdom and Nation : And to this Covenant let every man say, *Amen.*

### Tuesday the 27 of January.

A Report from  
the Committee  
for Religion.

The Remon-  
strance con-  
cerning Religi-  
on sent back  
by the King.

**A** Report was made to the House from the Committee for Religion, of matters concerning Religion, which passed the last Session, and were since that time delivered by the Clerk ( by command from the King ) to some whom his Majesty had sent for the same ; for want whereof, the Committee could not proceed. Hereupon Master Secretary Cook brings this Message from the King, That his Majesty understanding the Remonstrance concerning Religion was called for, was pleased ( to take away all question ) to command him to deliver it unto them ; hoping nevertheless, that they will proceed with the Bill for Tunnage and Poundage, and give precedency to that business, and so put an end to a further dispute between some of his Subjects [ meaning the Customers, and Merchants, whose Goods were seised by the Customers for Tunnage and Poundage ] or else he shall think his Speech, which was with good applause accepted, had not that good effect which he expected.

But

A But the House thought fit to prefer Religion, and to give it the first place in their Debates, saying, If *Papery* and *Arminianism* join hand in hand together, it would, by degrees, bring in *Spanish Tyranny*, under which these Laws and Liberties must cease. Besides, that it was fit time to enquire what persons have been advanced to Ecclesiastical Preferments, and to whom Pardons have been granted since the last Session; That Religion concerns the King as well as the Subjects, and the work of the Lord must not be done negligently. Whereupon the House was dissolved into a Committee, and gave Religion the precedence of Tunnage and Poundage. And in the Committee, Mr. *Pymme* spake as followeth.

B **T**wo diseases there be (said he) the one old, the other new; the old, *Papery*; the new, *Arminianism*. There be three things to be inquired after concerning *Papery*.

Mr. Pym's speech concerning Religion.

**1.** The cessation of the execution of Laws against Papists.  
**2.** How the Papists have been employed and countenanced.  
**3.** The Law violated in bringing in of superstitious Ceremonies amongst us, especially at *Durham* by Mr. *Cozens*, as Angels, Crucifixes, Saints, Altars, Candles on *Candlemas-day*, burnt in the Church after the Popish manner.

'For *Arminianism*, let it be advised,

**1.** That a way be open for the truth.

**2.** That whereas by the Articles set forth 1652. and by the Catechism set forth in King *Edward* the Sixths days, and by the writing of *Martin Bucer* and *Peter Martyr*, who were employed in making our Articles; and by the constant professions, sealed by the blood of so many Martyrs, as *Cranmer*, *Ridley*, and others; and by the 36 Articles in Queen *Elizabeths* times, and by the Articles agreed upon at *Lambeth*, as the Doctrine of the Church of *England*, which King *James* sent to *Dort* and to *Ireland*, and were avowed by us and our State;

**D** his Majesty hath expressed himself, in preserving unity in Religion established, though his Royal intention, notwithstanding, hath been perverted by some to suppress the Truth. Let us shew wherein these late opinions are contrary to those settled Truths, and what men have been since preferred, that have professed these *Heresies*; what pardons they have had for false Doctrine; what prohibiting of Books and Writings against their Doctrine, and permitting of such Books as have been for them: Let us enquire after the Abettors; let us enquire also after the Pardons granted of late to some of these, and the presumption of some that dare preach the contrary to truth before his Majesty. It belongs to the duty of a Parliament to establish true Religion, and to punish false; we must know what Parliaments have done formerly in Religion. Our Parliaments have confirmed general Councils. In the time of King *Henry VIII.* the Earl of *Essex* was condemned for countenancing Books of Heresie: For the Convocation, it is but a Provincial Synod of *Canterbury*, and cannot bind the whole Kingdom. As for *York*, that is distant, and cannot do any thing to bind us or the Laws; for the High Commission, it was derived from Parliament.

4 Caroli.  
Precedency again given to Religion before Tunnage and Poundage.

An. 1628.  
 Mess ge by Se-  
 cretary Cook  
 about Tunnage  
 and Poundage.

Wednesday 28. Secretary Cook delivered another Message to the House concerning the precedency of Tunnage and Poundage, declaring, that his Majesty intends not thereby to interrupt them, as to Religion, so that they do not intrench on that which belongs not to them; which Message was seconded by Sir Thomas Edmonds, in these words.

Sir Tho. Ed-  
 monds.

I am sorry the House hath given cause to so many Messages about Tunnage and Poundage, after his Majesty hath given us so much satisfaction: You may perceive his Majesty is sensible of the neglect of his business; we that know this, should not discharge our duties to you, if we should not perswade you to that course which should procure his Majesties good opinion of you: You your selves are witnesses, how industrious his Majesty was to procure you gracious Laws in his Fathers time, and since, what enlargement he hath made of our Liberties, and still we give him cause to repent him of the good he hath done. Consider how dangerous it is to alienate his Majesties hearts from Parliaments.

A

B

Mr. Corriton.

When men speak here of neglect of duty to his Majesty, let them know, we know no such thing, nor what they mean: And I see not how we do neglect the same. I see it is in all our hearts to expedite the Bill of Tunnage and Poundage in due time: our business is still put back by these Messages, and the business in hand is of God; and his Majesties affairs are certainly amiss, and every one sees it; and wo be to us, if we present them not to his Majesty.

An Answer re-  
 solved to be  
 given to the  
 KingsMessages.

The House resolved to send an Answer to the King, that these Messages are inconvenient, and breed debates and loss of time; and did further resolve, That Tunnage and Poundage, arising naturally from this House, they would in fit time take such a course therein, as they hoped would be to his Majesties satisfaction and honour. And so again agreed to proceed at present in matters of Religion.

C

D

Sir John Elliot  
 concerning  
 Religion.

Sir John Elliot, upon this occasion, spake to this purpose, 'I have always observed (said he) that in the proceedings of this House, our best advantage is order; and I was very glad when that noble Gentleman, my Countrey-man, gave occasion to state our Proceedings; for I fear it would have carried us into a Sea of confusion and disorder. And having now occasion to present my thoughts in this great and weighty busness of Religion, I shall be bold to speak a few words.'

E

'There is a jealousie conceived, as if we meant to dispute in matters of Faith; it is our profession, this is not to be disputed: it is not in the Parliament to make a new Religion, nor, I hope, shall it be in any to alter the body of the truth which we now profess. I must confess, amongst all those fears we have contracted, there ariseth to me not one of the least dangers in the Declaration that is made and publish'd in his Majesties name, concerning disputing and preaching; let not this my saying bear the least suspicion or jealousie of his Majesty, for if there be any misprision or error, I hope it is those Ministers about him, which not

F

' not only he, but all Princes are subject unto ; and Princes, no doubt,  
' are subject to mis-informations, and many actions may be entitled to  
' their Names, when it is not done by themselves. *Antiochus King of*  
' *Asia sent his Letters and Missives to several Provinces, that if they re-*  
' *ceived any dispatches in his name, not agreeable to justice, Ignoto se*  
' *literas esse scriptas idcoq; iis non parcent* ; and the reason of it is given by  
' *Gratian*, because that oftentimes by the importunity of Ministers, *Prin-*  
**A** *cipes sape constringuntur, ut non concedenda concedant*, are drawn to  
grant things by them not to be granted ; and as it was in that age, so  
it may be in this. And now to the particular in the Declaration, we  
see what is said of *Popery* and *Arminianism*, our Faith and Religion is in  
danger by it, for like an Inundation it doth break in at once upon us.  
It is said, If there be any difference of Opinion concerning the season-  
able interpretation of the 39 Articles, the Bishops and the Clergy in  
the Convocation have power to dispute it, and to order which way  
**B** they please, and, for ought I know, Popery and Arminianism may be  
introduced by them, and then it must be received by all : A slight  
thing, that the Power of Religion should be left to the persons of  
these men ; I honour their profession, there are among our Bishops such  
as are fit to be made examples for all Ages, who shine in virtue, and  
are firm for our Religion, but the contrary faction I like not. I re-  
member a Character I have seen in a Diary of E. 6. that young Prince,  
of famous memory, where he doth express the condition of the Bishops  
**C** of that time under his own hand writing, That *some for sloath, some*  
*for age, some for ignorance, some for luxury, and some for Popery, were*  
*unfit for Discipline and Government*. We see there are some among  
our Bishops who are not Orthodox, nor sound in Religion, as they  
should be ; witness the two Bishops complained of the last meeting  
of the Parliament ; I apprehend such a fear, that should we be in  
their power, we may be in danger to have our Religion over-  
thrown. Some of these are Masters of Ceremonies, and they labour to  
**D** introduce new Ceremonies into the Church ; yet some Ceremonies  
are useful. Give me leave to join, that I hold it necessary and com-  
mendable, that at the Repetition of the Creed we should stand up, to  
testifie the resolution of our hearts, that we will defend the Religion  
which we profess ; and in some Churches it is added, they did not  
only stand upright with their bodies, but with their swords drawn.  
Let us go to the ground of our Religion, and lay down a Rule  
on which all others may rest ; then when that is done, it will be  
**E** time to take into consideration the breakers and offenders of that  
Rule : Hereupon, after some debate, the Commons entred into this  
Vow.

### *The Vow of the House of Commons in Parliament.*

**F** **V**WE the Commons in Parliament Assembled, do  
Claim, Protest, and Avow for Truth, the  
sense of the Articles of Religion, which were  
established by Parliament in the Thirteenth year of our  
late Queen *Elizabeth*, which by the publick Act of the  
Church

The Commons  
enter into a  
vow.

An. 1628.

Church of *England*, and by the general and currant Expositions of the Writers of our Church, have been delivered unto us. And we reject the sense of the Jesuites, and *Arminians*, and all others wherein they differ from us.

A

*Friday the Thirtieth of January, 1628. both Houses  
join in petitioning the King for a Fast.*

Both Houses  
Petition the  
King for a Fast.

**M**Ost Gracious Sovereign, It is the very earnest desire of us your most dutiful Subjects, the Lords Spiritual and Temporal, and Commons in this Parliament Assembled, that this Meeting may be abundantly blessed with all happy success in the great Affairs of Church and State, upon which we are to consult, and that by a clear understanding, both of your Majesties goodness to us, and of our ever faithful and Loyal hearts to your Majesties Royal Person and Service, ( all jealousies and distractions, which are apparent signs of Gods displeasure, and of ensuing mischief, being removed ) there may this Session, and for ever, be a perfect and most happy Union and Agreement between your Majesty, and all the Estates of this Realm : But acknowledging, that neither this, nor any other blessing can be expected, without the especial Favour of Almighty God, upon the observation of the continued increasing miseries of the Reformed Churches abroad, ( whose Cases, with bleeding hearts, we compassionate ) as likewise of those punishments already inflicted, and which like in great measure to fall upon our selves, we have just cause to conceive, that the Divine Majesty is, for our sins, exceedingly offended against us : Wherefore we do in these, and all other pious respects, most Dread Sovereign, humbly beseech your most Excellent Majesty, by your Royal Consent and Commandment, that not only our selves, but all People of your Kingdom, may be speedily enjoined, upon some certain day, by your Majesty to be prefixed, by publick Fasting and Prayer to seek Reconciliation at the merciful hands of Almighty God ; so that the Prayers of the whole Kingdom, joined with your Majesties most Princely care, and the faithful hearts and endeavours of this Great Council assembled,

may

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may procure honour to Almighty God in the preservation of his true Religion, much honour to your Majesty, prosperity to your People, and comfort to your Majesties Friends and Allies.

### The Kings Answer to the Petition.

A **M**Y Lords and Gentlemen, The chief Motive of your Petition, being the deplorable condition of the Reformed Churches abroad, is too true: And our duty is, so much as in us lieth, to give them all possible help; but certainly, fighting will do them more good than fasting; though I do not wholly disallow of the latter: yet I must tell you, that the Custom of fasting every Session, is but lately begun, and I confess, I am not fully satisfied with the necessity of it at this time.

His Majesties Answer.

B Yet to shew you how smoothly I desire your business to go on, (eschewing, as much as I can, Questions or Jealousies) I do willingly grant your request herein; but with this Note, That this shall not hereafter be brought into president for frequent Fasts, except upon great occasions; and for form and time, I will advise with my Lords the Bishops, and then send you a particular Answer.

C Soon after the House of Commons presented a Declaration to the King, touching their Resolutions to give precedence to Religion.

D **M**ost gracious Sovereign, We have within these thre days received from your Majesty a Message, putting us in mind of our present entring upon the consideration of a Grant of Tunnage and Poundage; but the manner of possessing the House therewith being disagreeable to our Order and Priviledges, that we could not proceed therein; and finding our selves, in your Majesties name, pressed in that busines, and that we should give precedence therunto, we cannot but express some sense of sorrow, fearing that the most heartie and forward affections, wherewith we desire to serve your Majesty, are not clearly represented unto you; besides, such is the solicitous care we have in presenting our selves in your Majesties most gracious and good opinion, that it cannot but breed much trouble in us, (when ever we find our selves (as now we are enforced) to spend that time in making our humble Apologies, from whence F do usually arise long Debates, which we conceive might very profitably be applied in the greater Services of your Majesty and the Commonwealth, which we did, with all humble diligence, apply our selves unto; and finding the extreme dangers wherewith our Religion is threatned (clearly presenting it unto our thoughts and considerations) we thought, and we think we cannot, without

The Commons Declaration to the King, to give precedence to Religion.

An. 1628.

without impiety to God, disloyalty to your Majesty, (and unthankfulness to those from whom we are put in trust) retard our Proceedings until something be done to secure us in this main point, which we prefer above our lives, and all earthly things whatsoever. And here we do with all humble thankfulness acknowledge your Majesties most pious care, and Princely intentions, to suppress both Popery and Arminianism; the Professor of the one being an open enemy to the maintainer of the other, a subtle and more dangerous underminer of the Religion of Almighty God, established within your Realms and Dominions: The truth of which our whole Religion, or any part thereof (as being sufficiently known, and received generally here of all the Members of our Church, except only of some Schismatical persons, who have, of late years, taken the boldness to broach their contrary corrupt opinions) we desire should not be called in question, or doubt; but howsoever it hath pleased your Majesty, to our exceeding great comfort, by many testimonies to declare your own constant resolution to maintain the said Religion, yet we see how your gracious purposes are therein cross'd, and into what a miserable condition your whole Kingdom is likely, by that means, to be reduced; we shall earnestly endeavour (as that which doth nearly concern us) the safety and prosperity of your Majesty, and People, which are in such sort disordered, that ruine hereby threatened to both, may, by Gods blessing, be prevented; being most heartily sorry that these occasions are offered, which did thus hinder our proceedings: And therefore as well for dignity and necessity of the matter, as for that we conceive it to be the most speedy and effectual way, by uniting of all our hearts and endeavours to dispatch all other business of importance, particularly those which may seem more immediately to respect your Majesties profit, we pray, that our resolutions of preferring this business before all others, may be acceptable to your Majesty, to whom, both in the matter and manner of our proceedings, we desire to give all possible satisfaction.

*Whereunto the King thus Answered.*

His Majesties  
Answer to the  
Commons De-  
claration.

Gentlemen, This Answer being somewhat long, may, in reason, require some time to reply unto it, since as most of you cannot but judge this giveth no satisfaction. Therefore I shall give you some short Notes upon it; I cannot think, that whereas you alledge that the Bill of Tunnage and Poundage was brought in against the privilege of your House; That you will offer to take so much privilege from every one of your Members, as not to allow them the liberty to bring in any Bill whatsoever; although it be in your power, when it is brought in, to do with it what you think good; and I cannot imagine, you coming together by my power, and to treat of things that I propound unto you; though in this particular I must confess, that this Bill was not to have been offered to you in my Name, as that Member of your House can bear witness. As for the cause of delay in my business, (being Religion) there is none of you shall have a greater care for the true preservation of it than my self, which since

it

A ' it is confessed by your Answer ; you must either think I want power,  
 ' (which cannot be) or that I am very ill counselled, if it be in so much  
 ' danger as you affirm : Though I may say much of this, I will say no  
 ' more, but that for all this I shall not stop mine ears to you upon this  
 ' subject, so that in form and matter you transgres not your limits ; as  
 ' for Tunnage and Poundage, I do not so much desire it out of greedi-  
 ' ness of the thing (being perswaded you will make no stop in it, when  
 ' you once take it in hand ) as out of a desire to put an end to those  
 ' Questions that do arise between me and some of my Subjects, think-  
 ' ing it a strange thing, if you should give ear to those complaints, and  
 ' not to take the sure and speedy way to decide them. Besides, I must  
 ' think it strange, that this busines of Religion should only be a hind-  
 ' rer of my affairs, whereas I am certainly informed all other things go  
 ' according to their ordinary course ; therefore I must still be instant  
 ' with you, that you proceed with Tunnage and Poundage with diligence  
 B ' (not looking to be denied in so just a desire) and you must not think  
 ' it strange, if I, finding you slack, give you such further quickning as I  
 ' shall find cause.

Hereupon Secretary *Cook* did acknowledge, that at the presenting of the Bill of Tunnage to be read, he said, his Majesty much desired it, but it was a mistake that his Majesty commanded it.

*Wednesday the 4 of February.*

C **T**He House fell into debate of the Kings Declaration published in print, to prohibit dispute of Preaching one way or other concerning the matters mentioned in the Declaration, alledging in the Debate, that the main end thereof was to suppress the Puritan Party, and yet to give liberty to the contrary side, and they conceived, that Bishop *Laud* and Bishop *Montague*, mentioned in the last Remonstrance, had advised the King to that Declaration ; Bishop *Laud* being advanced since the last Session of Parliament to be Bishop of *London*, and Mr. *Montague* since that time made Bishop of *Chichester* ; and a Warrant was granted to the Attorney-General to draw up a Pardon for him ; but whereas the Warrant was but for one, the Attorney put four into the Pardon, (*viz.*) Bishop *Montague*, Doctor *Cofens*, Doctor *Sibthorp*, and Doctor *Manwaring*.

Debate about  
the Kings De-  
claration con-  
cerning Dis-  
putes about  
Religion.

D **T**uesday the 10 of February.

E **W**Hilst the House was in debate touching matters of Religion, the Ware-house of Mr. *Rolls* (Merchant, and Member of the House, then sitting in Parliament) was locked up by a Pursuivant, and himself called forth from the Committee, and served with a *Subpæna*.

Mr. *Rolls* sitting  
in Parliament,  
was called  
forth, and  
served with a  
*Subpæna*.  
Debate con-  
cerning the  
same.

F This gave occasion of smart Debates in the House ; some said, They were made the subject of scorn and contempt ; others conceived this to be a bone thrown in by them that have drawn a cloud on the true Religion, to divert and interrupt them in the prosecution of that matter ; and they desired the Messenger might be sent for, and be examined by what procurement this *Subpæna* was taken forth.

Sir *Humphrey May*, Chancellor of the Dutchy, and one of the Privy Council, assured the House, that this neither proceeded from King nor Council, and therefore desired it might be searched into the bottom.

P p p p

And

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The mistake  
of the Subpæna  
circulated.

A report from  
the Committee  
for Tunnage  
and Poundage.

Committee  
meet again for  
Tunnage and  
Poundage.

Mr. Noy con-  
cerning Tun-  
nage and  
Poundage.

Barons of the  
Exchequer  
sent unto a-  
bout staying  
the delivery of  
Merchants  
Goods.  
The Barons  
Answer.

And it was afterwards cleared by Master Attorney General, by his writing a Letter to Mr. Rolls, that the serving a *Subpæna* upon him was a mistake; and prayed, that a favourable interpretation might be given of that matter.

Upon report from the Committee for Tunnage and Poundage, Sir *John Wolstenholme*, Mr. *Dawes*, and Mr. *Carmarthen* were ordered to appear at the Bar on *Friday* next; and report was made to the House, that Master Attorney, notwithstanding his Letter, did give order for the Proces against Mr. *Rolls*; and that in the Bill preferred in the Exchequer, it was expressed, the Merchants did plot, practise, and combine against the peace of the Kingdom. This business being a matter of weight, the further consideration thereof was appointed for another day, and no Member might go out of the Town without licence.

Thursday the 12 of February.

**T**He House was turned into a Committee concerning the business of Tunnage and Poundage, and several Merchants did Petition, that their Goods were not only seized, but Informations preferred in *Star-Chamber* against them. The Committee in their Debate inclined, That the Merchants might have their Goods before they enter upon the Bill for Tunnage; and Mr. *Noy* expressed himself in these words.

We cannot safely give, unless we be in possession, and the proceedings in the Exchequer nullified; as also the Information in the *Star-Chamber*, and the annexion to the Petition of Right, for it will not be a Gift, but a Confirmation; neither will I give without the removal of these interruptions, and a Declaration in the Bill, that the King hath no right, but by our free gift; if it will not be accepted, as it is fit for us to give, we cannot help; if it be the Kings already, we do not give it.

Hereupon the House ordered, that the Barons of the Exchequer be sent unto, to make void their Injunction and Order concerning the staying of Merchants Goods; to which the Barons returned this answer.

Whereas the Honourable House of Commons, by Order of the 12 of this instant *February*, have appointed, that notice shall be given to the Lord Treasurer, Chancellor, and Barons of the Exchequer, of a Declaration made by Sir *John Wolstenholm*, *Abrah. Dawes*, and *Rich. Carmarthen*, in the House of Commons, that the Goods that the Merchants brought into the Kings Store-house, and laid up there for his Majesties use, were detained, as they conceived, only for the Duty of Tunnage and Poundage, and other sums comprised in the Books of Rates; which notice was given, to the end the said Court of Exchequer might further proceed therein, as to Justice shall appertain. Now the Lord Treasurer, Chancellor, and Barons, out of their due respect to that Honourable House, and for their satisfaction, do signify, that by the Orders and Injunctions of the said Court of Exchequer, they did not determine, nor any way touch upon the Right of Tunnage and Poundage, and so they declared openly in Court, at the making of these Orders; neither did they, by the said Orders or Injunctions, bar the Owners of those Goods, to sue for the same in a lawful course; but whereas the said Owners endeavoured to take the same Goods out of the Kings actual possession, by Writs or Plaints of *Replevin*, which was no lawful Action or Course in the Kings case, nor agreeable to his Royal Prerogative; therefore the said Court of Exchequer, being the Court for ordering the Kings Revenue, did

did, by those Orders and Injunctions, stay those Suits, and did fully declare by the said Orders, that the Owners, if they conceived themselves wronged, might take such remedy as the Law alloweth.

*Richard Weston,*  
*John Walter,*  
*Tho. Trevor,*

*Lo. Newburgh,*  
*John Dinham,*  
*George Vernon.*

- A The Answer of the Lord Treasurer and Barons, instead of satisfaction expected by the House, was looked upon as a justification of their actions: whereupon a motion was made to go on, to consider of their proceedings, and whether ever the Court of Exchequer held this course before, for staying of Replevins; and whether this hath been done by Prerogative of the King in his Court of Exchequer.

Not satisfactorily.

- B A Report was made from the Committee concerning the Pardons granted by the King since the last Session, to certain persons questioned in Parliament; and the Reporter informed the House, that they do find, upon examination, that Dr. Sibthorp and Mr. Cofens did sollicite the obtaining of their own pardons; and that they said, the Bishop of Winchester should get the Kings hand to them. And it did also appear to the Committee, that the Bishop of Winchester did promise the procuring of Mr. Montagu's pardon; that Dr. Mamwaring solicited his own pardon, and that the Bishop of Winchester got the Kings hand to it. Mr. Oliver Cromwell being of this Committee, informed the House what countenance the Bishop of Winchester did give to some persons that preached flat Popery, and mentioned the persons by name, and how by this Bishops means, *Mamwaring* (who, by censure the last Parliament, was disabled for ever holding any Ecclesiastical Dignity in the Church, and confessed the Justice of that Censure) is nevertheless preferred to a rich Living. If these be steps to Church-preferment (said he) what may we expect.

A report concerning Pardons to Dr. Mamwaring, Mr. Montague, &c.

Mr. Cromwell against the Bishop of Winchester.

- C D A Petition from the Printers and Book-sellers in *London*, was also presented, and complaining of the restraint of Books written against Popery and *Arminianism*, and the contrary allowed of by the only means of Dr. Laud, Bishop of *London*; and that divers of the Printers and Book-sellers have been sent for by Pursuivants for printing Books against Popery; and that Licensing is only restrained to the Bishop of *London* and his Chaplains, and instanced in certain Books against Popery, which were denied to be Licensed.

A complaint of the non-licensing of Books against Popery.

- E Upon which occasion Mr. Selden declared, That it is true, there is no Law to prevent the printing of any Books in *England*, only a Decree in *Star-Chamber*; and he advised that a Law might be made concerning Printing: otherwise, he said, a man might be Fined, Imprisoned, and his Goods taken from him, by virtue of the said Decree; which is a great invasion upon the Liberty of the Subject.

Mr. Selden concerning Printing.

- F The House of Commons being informed, that an Information was preferred in the *Star-Chamber* against *Richard Chambers*, and others, concerning some matters that fell out about their refusal to pay Tunnage and Poundage since the last Session of Parliament, because the same was not granted by Act of Parliament, they referred the same to a Committee to examine the truth of their proceedings, and that whether they ought not to have privilege of Parliament, in regard they had

P p p a then

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then a Petition depending in Parliament, to protect them against the said proceedings ; and Sir William Aston, Sheriff of London, being examined before the Committee concerning some matters about the Customers, and not giving that clear answer which he ought, and as the House conceived he might have done, was therefore committed to the Tower of London. And a Question was made in the House at that time, whether the House had at any time before committed a Sheriff of London to prison. To which Mr. Selden made answer, That he could not call to mind a president of sending one Sheriff of London to prison ; but he well remembred a president of sending both the Sheriffs of London to the Tower, and instanced the Case.

Debates about increase of Popery.

A Friday, February 13. the Parliament fell into consideration of the great increase of Popery ; and it was moved to examine the releasing of the Jesuites that were arraigned at Newgate, whereof only one was condemned, though they were ten in number, and they all Priests, and had a Colledge here in London about Clerkenwell : These men ( said some ) could not attempt these acts of boldnes, but they have great countenancers.

Secretary Cook concerning the Priests arraigned at Newgate.

B Hereupon Secretary Cook declared, That a Minister of State having notice of these ten persons, and this Colledge intended to be kept at Clerkenwell, acquainted his Majesty with it ; and I should not discharge my duty, if I should not declare how much his Majesty referred it to the especial care of the Lords of the Council, who examining the same, sent those ten persons to Newgate, and gave order to Mr. Attorney to prosecute the Law against them. He further added, That this Colledge was first at Edmonton, removed from thence to Camberwell, and thence to Clerkenwell.

C Hereupon it was ordered, That all the Knights and Burgeesses of the House, shall to morrow morning, declare, what knowledge they have of Letters, and other means, that have been used for the staying of proceedings against Recusants ; and Messengers were sent to Mr. Attorney, to examine him touching that matter.

Mr. Long, a Justice of Peace, examined.

D Mr. Long, a Justice of Peace, who was said to understand much in the same busines, was likewise sent for and examined, and said, That by the appointment of Mr. Secretary Cook, he apprehended these persons, and took their Examinations ; and said further, That he heard they were delivered out of Newgate by order from Mr. Attorney : That Mr. Middlemore, a generalSolicitor for the Papists, hired this house, and that there are divers Books of Accompt, of Receipts and Disbursements, to the value of 300 l. per an. with divers Recusants names, who allowed towards the maintenance of this Colledge ; and these Books and Papers are in the hands of Mr. Secretary Cook.

E It was further reported from the Committee, that the Priest taken at Clerkenwell, which was condemned, should be Reprieved by a Warrant from the King, signified by a Privy Counsellor ; and another Warrant was produced by the Keeper of Newgate, under the hand of the Kings Attorney General to release the other nine Priests. To which Mr. Secretary Cook replied, The King being merciful in case of bloud, gave direction for the Reprieving the condemned Priest. But the House not willing to let this pass, appointed certain of their Members to go to the Lord Chief Justice, and the rest of the Judges, who were there present at the Trial, to know why the Papers and Evidences which Mr. Long had to produce, were not made use of.

The

The Committee appointed to examine, the Attorney-General reported this Answer.

*I did receive (said the Attorney) order touching some persons taken in Clerkenwell, conceived to be Priests, from the Council-board; and for that refer my self to the Order.*

4 Caroli.  
Sir Robert  
Heath his an-  
swer concern-  
ing the prose-  
cution of the  
Priests.

*And I conceive I did follow the directions of that Order.*

A *I did myself cause them to be sent for from the several Prisons where they were formerly committed, and I committed them all to Newgate, as the Order from the Council-board directed; and I gave directions for Indictments to be drawn ag.ainst them, as for being Priests; and I sent for, and conferred with the Witnesses, and took their Informations; and I sent for Mr. Long, who was formerly acquainted with that business, as I was advised to do by Mr. Secretary Cook, and desired him to take special care thereof at the Sessions. And I did not conceive, that by the Order I was directed to go thither my self;*

B *but if I had been so directed, and had so conceived it, I should not have declined the service. I knew not, nor never heard of any Lands conveyed to the use of these persons, or of any Foundation there; but there was some mention made thereof in some of the Papers delivered to me by Mr. Secretary, but so generally, as I know not how to enquire thereof; but I did take care to entitle the King to the Goods, as the especial direction to me was by the Order of the Board; and the Indictment failed to be found against all but one: And I have Warrant to the Treasurers Remembrancer of the Exchequer, for a special Commission to that purpose; and I advised with Mr. Long who were fit Commissioners for that purpose; and after with Mr. Scrivener: and a Commission was granted to Gentlemen of very good quality, and an inquisition is found and returned accordingly, whereby the King is entitled to the Goods.*

*I had warrant from his Majesty to bail them: but for the manner of that, I must crave leave to acquaint the King therewith, before I answer any further.*

D *I understood that an Indictment was preferred against three of them, for Treason, and I did direct Mr. Long, that if the Indictments should not be found for Treason, yet to tender them and all the rest the Oath of Allegiance, to bring them within the Kings mercy, upon a Premunire, if they should refuse the Oath: and I understood the Oath was ministred to them accordingly at that Sessions; and I understood after, that the Indictment was found against one of them only to be a Priest, and that the other were quit. Therefore receiving an express commandment from the King for the bailing of them, I did conceive they were bailable, which otherwise of my self I would not have done: The Bonds I took, and keep them my self; for the surety, I refer my self to the Bond, and understand that some of them were House-keepers in the Town.*

E *I gave directions for Indictments to be drawn against them; but I gave no special directions, whether it should be drawn against Jesuites or Priests, but left that to the care of Mr. Long; and did not then conceive there was any difference in the substance of the Indictment for Treason between Priests and Jesuites.*

F *I can give no special reason, why I rather bound them to appear at the Council-Table, than at the Sessions, but only this, because I received my first directions from the Council-board.*

*When the Sessions was past, I did enquire of Mr. Long, what was the success of these Indictments; who informed me, That one only was found guilty of being a Priest; and thereupon I gave order for the Commission before mentioned to enquire of their goods.*

And

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And being again sent unto for a clearer Answer, he said, *For the Warrant which I received for the discharge of the Prisoners, and the Bond taken by me upon their deliverance, which has a dependance upon that Warrant, and whereof ye require an account, I have attended his Majesty, but yet have no leave to shew them; and the Bonds being taken but in December last, I keep them with me, as I conceive was proper for my place; but shall be ready to deliver them when I shall receive a commandment to that purpose.*

A Fast.

Mr. Dawes  
answer to the  
Commons.

A Wednesday the Eighteenth of February, the Fast was kept, and the Nineteenth of February, Mr. Dawes, one of the Customers, being called in to answer the point of Priviledge in taking Mr. Rolls Goods, a Member of this House, said, *That he took Mr. Rolls Goods by virtue of a Commission under the Great Seal, and other Warrants. That he knew Mr. Rolls demanded his Priviledge, but he did understand his Priviledge did only extend to his person, not to his goods. And he further said, He took those Goods for such Duties as were due in the time of King James; and that the King had sent for him on Sunday last, and commanded him to mak no other answer.*

B Mr. Carmarthen, another of the Customers, being called in, said, *That he knew Mr. Rolls to be a Parliament-man, and told him, He did not find any Parliament-man exempted in their Commission. And as for the words charged on him, that he should say, If all the Body of the House were in him, he wculd not deliver the goods; he answered, If he said he would not, it was because he could not.*

Mr. Selden.

C Mr. Selden hereupou said, *If there be any near the King that doth mispresent our actions, let the curse light on them, not on us; and believe it, it is high time to vindicate our selves in this case, else it is in vain for us to sit here.*

The House in  
a Committee  
about the Cu-  
stomers an-  
swer.

It was hereupon resolved by question, *That this shall be presently taken into consideration; and being conceived to be a busines of great consequence, it was ordered, that the House be dissolved into a Committee, for the more freedom of debate; and that no Member go out of the House without leave, during the sitting of the Committee.*

Mr. Noy.

D Mr. Noy was of opinion, *That the Customers had neither Commission nor command to seize; therefore, without doubt, the House may proceed safely to the Question; that the Priviledge is broken by the Customers, without relation to any Commission or Command from the King; which motion was seconded by Mr. Nathaniel Rich.*

Message by Se-  
cretary Cook  
from the King  
about the Cu-  
stomers.

E Monday the 22 of February, the same busines continued under debate, and some were for a bare restitution of the Goods taken, others for impleading those who took them as Delinquents. In the mean time, Mr. Secretary brought this Message from the King, *That it concerns his Majesty, in a high degree of Justice and Honour, that truth be not concealed; which is, that what the Customers did, was by his own direct Order and Command, at the Council-board, himself being present: And though his Majesty takes it well, that the House have severed his interest from the interest of the Customers, yet this will not clear his Majesties Honour, if the said Customers should suffer for his sake. This Message was grounded upon this ensuing Order, made the day preceding, by the King, in full Council.*

Order by the  
King and  
Council con-  
cerning the  
Customers.

F At Whitehall the 22 of February, 1628.

THis day his Majesty, in full Council, taking knowledge of the debate in the House of Commons the day before, concerning the Officers

A cers of his Customs, and of the respect used by the Committee to sever the private interest of the said Officers from that of his Majesty; holding it to concern him highly in Justice and Honour, to let the truth in such a point touching his Servants, to be either concealed or mistaken, did there declare, *That what was formerly done by his Farmers and Officers of the Customs, was done by his own direction and commandment, and by direction and commandment of his Privy-Council, himself for the most part being present in Council: and if he had been at any time from the Council-board, yet he was acquainted with their doings, and gave full direction in it; and therefore could not in this sever the act of his Officers from his own act, neither could his Officers suffer for it without high dishonour to his Majesty.* This being particularly voted by the whole Council, was the general assent of them all; and accordingly Mr. Secretary Cook had order to deliver a Message the next day from his Majesty to the House of Commons.

B The Kings Commission to the Lord Treasurer and Barons of the Exchequer, and to the Customers of the Ports, as to this effect.

## C. R.

C **W**Hereas the Lords of the Council, taking into consideration our Revenue, and finding that Tunnage and Poundage is a principal Revenue of our Crown, and has been continued for these many years; have therefore ordered all those duties of Subsidy, Custom and Impost, as they were in the 21 of King James, and as they shall be appointed by us under our Seal, to be levied: Know ye, that we, by the advice of our Lords, declare our will, that all those Duties be levied and collected as they were in the time of our Father, and in such manner as we shall appoint; and if any person refuse to pay, then our will is, That the Lord Treasurer shall commit to prison such so refusing, till they conform themselves: And we give full power to all our Officers from time to time, to give assistance to the Farmers of the same as fully, as when they were collected by Authority of Parliament.

D Soon after report was made from the Grand Committee, that they took into their consideration the violation of the Liberty of the House by the Customers; and at last they resolved, that Mr. Rolls, a Member of the House, ought to have priviledge of Person and Goods; but the command of the King is so great, that they leave it to the House. After the passing of this Vote, the Kings late Message by Secretary Cook was taken into consideration.

E Some took occasion to say, That these interruptions proceeded from some Prelates, and others Abettors of the Popish Party, who fear to be discovered, and would provoke to a breach: To which Sir Humphrey May replied, *We have Oyl and Vinegar before us; if you go to punish the Customers as Delinquents, there is Vinegar in the wound: Think rather of some course to have restitution.* Others said, *Delinquency cannot be named, but presently a breach must be intimated. When we do that which is just, let there be no fear nor memory of breaches, and let us let go the Delinquency of the men.*

F Hereupon Sir John Elliot made a Speech, and therein named Dr. Neal the Bishop of Winchester, and the great Lord Treasurer, *In whose person ( said he ) all evil is contracted; I find him acting and building on those grounds, laid by his Master the great Duke; and his spirit is moving to these*

The Kings  
Commission to  
the Customers,  
etc.

Resolve con-  
cerning Mr.  
Rolls.

Debates.

Sir John Elli-  
ots Speech  
against parti-  
cular persons.

An. 1628.

\* Lord ~~welton~~  
afterwards  
died a Papist.

The Speaker  
refuses to put  
the Question.

Mr. Seldens  
Speech there-  
upon.

The Speaker  
again refuseth  
to put the  
Question.

Protestation in  
Parliament  
propounded,  
whilst the  
Speaker was  
held in his  
Chair.

The King sends  
the Usher of  
the Lords  
House.

these interruptions, and they for fear break Parliaments, lest Parliaments should break them: I find him the Head of all the great Party; the \* Papists, all Jesuites and Priests derive from him their shelter and protection, &c. A little interruption being here given, he proceeded further in his Speech: And afterwards the Speaker was moved to put the Question then proposed by the House; but he refused to do it, and said, That he was otherwise commanded from the King.

Then, said Mr. Selden, Dare not you, Mr. Speaker, put the Question when we command you? If you will not put it, we must sit still; thus we shall never be able to do any thing. They that come after you may say, They have the Kings command not to do it. We sit here by the command of the King under the Great Seal, and you are, by his Majesty, sitting in this Royal Chair, before both Houses, appointed for our Speaker; and now you refuse to perform your Office.

Hereupon the House, in some heat, adjourned till Wednesday next.

On Wednesday the 25 of February, both Houses, by his Majesties command, were adjourned until Monday morning the 2 of March.

Monday the 2d. of March, the Commons meet, and urge the Speaker to put the Question; who said, I have a command from the King to adjourn till March the 10th. and put no Question. And endeavouring to go out of the Chair, was notwithstanding held by some Members (the House foreseeing a dissolution) till this ensuing Protestation was published in the House; viz.

C 1. Whosoever shall bring in Innovation of Religion, or by favour or countenance seem to extend or introduce Popery or Arminianism, or other Opinion disagreeing from the truth and Orthodox Church, shall be reputed a capital Enemy to this Kingdom and Commonwealth.

D 2. Whosoever shall counsel or advise the taking and levying of the Subsidies of Tunnage and Poundage, not being granted by Parliament, or shall be an Actor or Instrument therein, shall be likewise reputed an Innovator in the Government, and a capital Enemy to the Kingdom and Commonwealth.

D 3. If any Merchant or person whatsoever, shall voluntarily yield, or pay the said Subsidies of Tunnage and Poundage, not being granted by Parliament, he shall likewise be reputed a Betrayer of the Liberties of England, and an Enemy to the same.

E Hereupon the King sent for the Sergeant of the House; but he was detained, the door being lock'd: Then he sent the Gentleman-Usher of the Lords House, with a Message; and he was refused admittance, till the said Votes were read. And then in much confusion the House was adjourned to the 10th of March, according as it was intimated from his Majesty. Nevertheless his Majesty, by Proclamation, dated the 2d. of March, declares the Parliament to be dissolved.

The passages of this day, and the preceding day, in Parliament, are hereafter more fully related in the proceedings of the Kings Bench.

By the King.

F A Proclamation about dissolving of the Parliament.

W hereas We, for the general good of our Kingdom, caused our High Court of Parliament to assemble and meet by Prorogation

A on the 20 day of January last past ; whence which time the same hath been continued. And although in this time, by the malevolent dispositions of some ill-affected persons of the House of Commons, we have had sundry just causes of offence and dislike of their proceedings ; yet we resolved with patience to try the uttermost, which we the rather did, for that we found in that House a great number of sober and grave persons, well affected to Religion and Government, and desirous to preserve Unity and Peace in all parts of our Kingdom. And therefore, having on the Five and twentieth day of February last, by the uniform advice of our Privy-Council, caused both Houses to be adjourned until this present day, hoping in the mean time, that a better and more right understanding might be begotten between us and the Members of that House, whereby this Parliament might have a happy end and issue.

B And for the same intent, we did again this day command the like Adjournment to be made, until the Tenth day of this Moneth : It hath so happened, by the disobedient and seditious carriage of those said ill-affected Persons of the House of Commons, that we and our Regal Authority and Commandment have been so highly contemned, as our Kingly Office cannot bear, nor any former Age can parallel. And therefore it is our full and absolute resolution to dissolve the said Parliament, whereof we thought good to give notice unto all the Lords Spiritual and Temporal , and to the Knights , Citizens and Burgesses of this present Parliament, and to all others whom it may concern, that they may depart about their needful affairs, without attending any longer here. Nevertheless we will, that they, and all others shall take notice, that we do, and ever will distinguish between those, who have shewed good affection to Religion and Government, and those that have given themselves over to faction, and to work disturbance to the peace and good order of our Kingdom.

D Given at our Court at Whitehall, this second day of March, in the fifth year of our Reign of Great Britain, France, and Ireland.

This Proclamation was not published till after the Tenth of March.

E The day following, Warrants were directed from the Council to Denzil Holles Esq; Sir Miles Hobert, Sir John Elliot, Sir Peter Hayman, John Selden Esq; William Coriton, Walter Long, William Stroud, Benjamin Valentine, commanding their personal appearance on the morrow. At which time, Mr. Holles, Sir John Elliot, Mr. Coriton, Mr. Valentine, appearing, and refusing to answer out of Parliament, what was said and done in Parliament, were committed close Prisoners to the Tower ; and Warrants were given, the Parliament being still in being, for the sealing up of the Studies of Mr. Holles, Mr. Selden, and Sir John Elliot ; Mr. Long, and Mr. Stroud not then, nor of some time after appearing, a Proclamation issued forth for the apprehending of them.

Warrants to apprehend several Members of Parliament.

F On the Tenth of March, being six days after the Commitment of the said Members, his Majesty being set in his Royal Throne, with his Crown on his Head; in his Robes, and the Lords in their Robes

Q q q q also;

An. 1629.

The Kings  
Speech at the  
dissolution of  
the Parliament.

also; and divers of the Commons below the Bar, but not the Speaker, neither were they called: his Majesty spake as followeth.

My Lords,  
**I** Never came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder, why I should not rather choose to do this by Commission, it being rather a general Maxim of Kings, to leave harsh Commands to their Ministers, themselves only executing pleasing things: yet considering that Justice as well consists in reward, and praise of Virtue, as punishing of Vice, I thought it necessary to come here to day, and declare to you and all the world, that it was meerly the undutiful and seditious carriage in the Lower House, that hath made the dissolution of this Parliament; and you, My Lords, are so far from being any causers of it, that I take as much comfort in your dutiful demeanour, as I am justly distasted with their proceedings; yet to avoid their mistakings, let me tell you, that it is so far from me to adjudge all the House alike guilty, that I know that there are many there as dutiful Subjects as any in the world, it being but some few Vipers among them that did cast this mist of undutifulness over most of their eyes: Yet to say truth, there was a good number there, that could not be infected with this contagion; insomuch that some did express their duties in speaking, which was the general fault of the House the last day. To conclude, as those Vipers must look for their reward of punishment, so you, My Lords, must justly expect from me that favour and protection, that a good King oweth to his loving and faithful Nobility.

**C** And now, My Lord Keeper, do what I have commanded you.

Then the Lord Keeper said, My Lords, and Gentlemen of the House of Commons, the Kings Majesty doth dissolve this Parliament.

Whilst the King is preparing a Declaration of the Causes and Motives which induced him to dissolve this Parliament, let us see what followed hereupon.

**D** The discontents of the common people upon this dissolution were heightned against the powerful men at Court, and the Kings most inward Counsellors: for some few days after, two Libels were found in the Dean of Pauls yard, one against Bishop Laud, to this effect; *Laud, look to thy self, be assured thy life is sought; as thou art the fountain of wickedness, repent of thy monstrous sins before thou be taken out of the world; and assure thy self, neither God nor the World can endure such a vile Counsellor or whisperer to live.* The other was as bad against the L. Treasurer Weston.

**E** The King purposing to proceed against the Members of the House of Commons, who were committed to prison by him in the Star-Chamber, caused certain Questions to be proposed to the Judgment upon the 25 of April.

5 Caro.  
An. 1629.  
Questions  
propounded  
to the Judges  
concerning the  
imprisoned  
Members.

**F** Hereupon all the Judges met at Sergeants-Inn, by command from his Majesty, where Mr. Attorney proposed certain Questions concerning the offences of some of the Parliament-men committed to the Tower, and other Prisons: At which time, one Question was proposed and resolved, viz. *That the Statute of 4 H. 8. intituled, An Act concerning Richard Strode, was a particular Act of a Parliament, and extended only to Richard Strode, and to those persons that had joined with him to prefer a Bill to the House of Commons concerning Tynners; And although the Act be private, and extendeth to them alone, yet it was no more than all other Parliament-men, by privilege of House, ought to have, viz. Freedom of Speech concerning*

Libels cast  
abroad.

Members ex-  
amined before  
the Lords of  
the Council.

5 Caro  
linae

concerning those matters debated in Parliament by a Parliamentary course.

The rest of the Questions Mr. Attorney was wished to set down in writing against another day.

Upon Monday following all the Judges met again, and then Mr. Attorney proposed these Questions.

A 1. Whether if any Subject hath received probable information of any Treason or treacherous attempt or intention against the King or State, that Subject ought not to make known to the King, or his Majesties Commissioners, when thereunto he shall be required, what information he hath received, and the grounds thereof; to the end, the King being truly informed, may prevent the danger? And if the said Subject in such case shall refuse to be examined, or to answer the Questions which shall be demanded of him for further inquiry and discovery of the truth, whether it be not a high contempt in him, punishable in the Star-chamber, as an offence against the general Justice and Government of the Kingdom?

B Sol. The Resolution and Answer of all the Justices, That it is an offence punishable as aforesaid, so that this do not concern himself, but another, nor draw him to danger of Treason or Contempt by his Answer.

C 2. Whether it be a good answer or excuse, being thus interrogated, and refusing to answer, to say, That he was a Parliament-man when he received this Information, and that he spake thereof in the Parliament-house; and therefore the Parliament being now ended, he refused to answer to any such Questions but in the Parliament-house, and not in any other place?

D Sol. To this the Judges, by advice privately to Mr. Attorney, gave this Answer, "That this excuse being in nature of a Plea, and an error in judgment, was not punishable, until he were over-ruled in an orderly manner to make another Answer; and whether the Party were brought in *Ore tenus*, or by Information, for this Plea he was not to be punished.

E 3. Whether a Parliament-man committing an offence against the King or Council not in a Parliament way, might, after the Parliament ended, be punishable or not?

F Sol. All the Judges, *una voce*, answered, He might, if he be not punished for it in Parliament; for the Parliament shall not give privilege to any *contra morem Parliamentarium*, to exceed the bounds and limits of his place and duty. And all agreed, That regularly he cannot be compelled out of Parliament to answer things done in Parliament in a Parliamentary course; but it is otherwise where things are done exorbitantly, for those are not the acts of a Court.

G 4. Whether if one Parliament-man alone shall resolve, or two or three shall covertly conspire to raise false slanders and rumours against the Lords of the Council and Judges, not with intent to question them in a Legal course, or in a Parliamentary way, but to blast them, and to bring them to hatred of the people, and the Government in contempt, be punishable in the Star-chamber after the Parliament is ended?

H Sol. The Judges resolve, That the same was punishable out of Parliament, as an offence exorbitant committed in Parliament, beyond the Office, and besides the duty of a Parliament-man.

I There was another Question put by Mr. Attorney, *viz.*

J Whether if a man in Parliament, by way of digression, and not upon any occasion arising concerning the same in Parliament, shall say, The Lords of the Council and the Judges had agreed to trample upon the Liberty of the Subject, and the Privileges of Parliament, he were punishable or not?

K The Judges desired to be spared to make any answer thereunto, because it concerned themselves in particular.

An. 1629.

The next day, Mr. Attorney put the Judges another Case.

It is demanded of a Parliament-man, being called *Ore tenus* before the Court of Star-chamber, being charged, that he did not submit himself to examination for such things as did concern the King and the Government of the State, and were affirmed to be done by a third person, and not by himself, if he confesses his hand to that refusal, and make his excuse, and plead because he had priviledge of Parliament ;

*Whether the Court will not over-rule this Plea as erroneous, and that he ought to make a further Answer.*

Answer.

It is the justest way for the King and the Party not to proceed *Ore tenus*, because it being a point in Law, it is fit to hear Counsel before it be over-ruled ; and upon an *Ore tenus*, by the Rules of Star-chamber, Counsel ought not to be admitted ; and that it would not be for the Honour of the King, nor the safety of the Subject, to proceed in that manner.

Mr. Stroud  
and Mr. Long  
brought upon  
a *Habeas Corpus*.

*Pasch. 5 Car.* upon a *Habeas Corpus* of this Court to bring the body of William Stroud Esq; with the cause of his imprisonment, to the Marshal of the Kings Bench ; it was returned in this manner, *That Mr. William Stroud was committed under my custody by virtue of a certain Warrant under the hands of twelve of the Lords of the Privy-Council of the King.* The tenour of which Warrant followeth in these words :

**C** *You are to take knowledge, That it is his Majesties pleasure and commandment, that you take into your custody the body of William Stroud Esq; and keep him close prisoner till you shall receive other order, either from his Majesty, or this Board ; for so doing, this shall be your Warrant. Dated this 2d. of April, 1629. And the direction of the Warrant was, To the Marshal of the Kings Bench, or his Deputy.*

He is also detained in prison by virtue of a Warrant under his Majesties hand ; the tenor of which Warrant followeth in these words.

### C. R.

**D** *Whereas you have in your custody the body of William Stroud Esq; by Warrant of our Lords of our Privy-Council, by our special command, you are to take notice, that this Commitment was for notable Contempts by him committed against our Self and our Government, and for stirring up Sedition against us ; for which you are to detain him in your custody, and to keep him close prisoner, until our pleasure be further known concerning his deliverance.*

Given at Greenwich the 7 of May, 1629. in the 5. year of our Reign.

The Direction being, *To the Marshal of our Bench for the time being, & ha sunt cause captionis & detentionis predicti Guilielmi Stroud.*

And upon another *Habeas Corpus* to the Marshal of the Household, to have the body of Walter Long Esq; in Court, it was returned according as the Return of Mr. Stroud was.

**F** Mr. Ask of the Inner-Temple, of Counsel for Mr. Stroud ; and Mr. Mason of Lincolns-Inn, of Counsel for Mr. Long, argued against the insufficiency of the Return ; which, with the Arguments of the Kings Counsel, we here forbear to mention, lest it be too great a diversion to the Reader from the Historical part ; yet those and other Arguments we have nevertheless postponed at the end of this first Volume, for the benefit of the Students of the Law : which course, as to Arguments in Law, wherein the Prerogative of the one hand, and Liberty and Property of the other hand, are concerned, we purpose to observe in our next and other Volumes, as matter of that nature falls out in series of Time.

The

The seventh of May, an Information was exhibited in the Star-chamber; which, because it is a remarkable proceeding, we give you here at large.

5. *Caroli.*  
An Informati-  
on in Star-  
chamber against  
the Members.

*Jovis Septimo die Maii, Anno Quinto C. a. R.*

A To the King's most Excellent Majesty.

Humbly sheweth and informeth unto your most excellent Majesty, Sir Robert Heath Knight, your Majesties Attorney-General, for and on your Majesties behalf, That whereas by the ancient and Fundamental Laws of this Kingdom, the High Court of Parliament consisteth of the Lords Spiritual and Temporal in the Lords House, and of the Knights, Citizens and Burghers in the Commons House of Parliament, and those two Houses thus composed, do together make up that great and honourable Body, whereof your most Excellent Majesty, as the Supreme Sovereign, is the Head: and whereas the Power of Summoning and Assembling of Parliaments, and of Continuing, Proroguing, Adjourning, and Dissolving thereof within this Realm at your good pleasure, is the undoubted Right of your Majesty; and the Liberty and Freedom of Speech, which the Members of the said Houses of Parliament have, according to the Privileges of those several Houses, to debate, consult, and determine of those things which are propounded amongst them, is, and ever hath been, and ought to be, limited and regulated within the bounds of Moderation and Modesty, and of that Duty which Subjects owe to their Sovereign: and whereas your Majesty, for many weighty causes, and for the general good and defence of the Church and State of this your Kingdom, lately summoned a Parliament to be holden at your City of Westminster, the seventeenth day of March, in the third year of your Majesties Reign, which continued from thence by Prorogation until the twentieth day of January last; from which day, until the twenty fifth day of February following, the said Houses continued sitting. And although the great part of the House of Commons, being zealous of the Common Good, did endeavour to have effected those good things for which they were called thither; yet between the said twentieth day of January, and the said twenty fifth day of February, by the malvolent disposition of some ill-affected Members of the said House, sundry Diversions and Interruptions were there made, and many Jealousies there unjustly raised and nourished, to the disturbance of those orderly and Parliamentary proceedings, which ought to have been in so grave a Council. During which time of the said last Meeting in Parliament, as aforesaid, so it is, may it please your most Excellent Majesty, that Sir John Elliot Knight, then and all the time of the said Parliament, being one of the Members of the said Commons house, wickedly and maliciously intending, under a feigned colour and pretence of debating the necessary affairs of the present estate, to lay a scandal and unjust aspersion upon the right Honourable the Lords, and others of your Majesties most Honourable Privy-Council, and upon the Reverend Judges, and your Counsel learned, and as much as in him lay to bring them into the hatred and ill opinion of the people; after the said twentieth day of January, and before the said twenty fifth day of February last, did openly and publickly

*Ro. Heath.  
Hu. Davenport.  
Ro. Bartley.  
Heneage Finch.  
William Hud-  
son.*

An Informati-  
on in the Star-  
chamber against  
Sir John Elliot,  
&c.

An. 1629.

lickly in the said House of Commons, fally and maliciously affirm, That your Majesties Privy-Council, all your Judges, and your Counsel learned, had conspired together to trample under their feet the Liberties of the said Subjects of this Realm, and the priviledges of that House. And further, so it is, may it please your most Excellent Majesty, that when your Majesty, upon the twenty fifth day of *February*, had, by Sir *John Finch*, Knight, then Speaker of the said House of Commons, signified your Royal pleasure to the said House, that the said House of Commons should be instantly adjourned until the second day of *March* then following, he the said Sir *John Elliot*, and *Denzil Holles Esq;* *Benjamin Valentine Gent.* *Walter Long Esq;* *William Coriton Esq;* *William Strode Esq;* *John Selden Esq;* *Sir Miles Hobert,* and *Sir Peter Hayman,* Knights, all Members at that time of the said Commons House, conceiving with themselves, that your Majesty, being justly provoked thereto, would speedily dislolve that Parliament ; they the said Sir *John Elliot*, *Denzil Holles*, *Benjamin Valentine*, *Walter Long*, *William Corriton*, *William Strode*, *John Selden*, *Sir Miles Hobert*, and *Sir Peter Hayman*, and every of them, by unlawful confederacy and combination between them in that behalf before had, did maliciously resolve, agree, and conspire, how and by what means, before that Parliament should be dislolved, they might raise such false and scandalous rumours against your Majesties Government, and your Counsellors of Estate attending your person, that thereby as much as in them lieth, they might disturb the happy Government of this Kingdom, by and under your Majesty ; interrupt the course of Traffick and Trade ; discourage your Merchants, and raise Jealousies and Suspicions in the hearts of your people, that the sincerity of the true Religion professed and established in this Kingdom, was neglected : and in pursuance of this their resolution and confidence aforesaid, the said Sir *John Elliot*, with the privity and consent of the said *Denzil Holles*, and all other the said Confederates, did prepare a Paper or Writing, wherein he had written, or caused to be written, divers false and scandalous Assertions touching your Majesties Government, and touching the persons of divers of your Privy-Council, which he and they resolved, and conspired, and agreed, should be delivered into the said House of Commons, and there publickly read, to the wicked and seditious intents and purposes aforesaid, and not with any purpose or opinion that those things that were therein contained, if they, or any of them had been true, as indeed they were not, should or could be at that time entertained, or pursued in any Legal or Parliamentary way , but meerly and only to express and vent his and their own malice and disaffection of your Majesty and your happy Government : And your Majesty, upon the said second day of *March* now last past, having signified your Royal pleasure unto the said Sir *John Finch*, then the Speaker of that House, That the said House should then be presently adjourned until the tenth day of the said moneth of *March*, without any further speech or proceedings at that time ; and the said Speaker then delivered your Majesties pleasure and commandment to the said House accordingly, and declared unto them your Majesties express charge and command unto him, That if any should notwithstanding disobey your Majesties command, that he must forthwith leave the charge, and wait upon your Majesty: unto which commandment of your Majesty, and signification of your

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- A Your Royal pleasure in that behalf, for a present Adjournment of the House, the greatest number of the Members of that House, in their Duty and Allegiance unto your Majesty, were willing to have given a ready obedience, as the Lords Spiritual and Temporal of the Lords House, upon the very same, upon the like signification made unto them of your Majesties pleasure, by your Lord Keeper of your Great Seal of *England*, the Speaker of that House had done: yet so it is, may it please your most Excellent Majesty, that the said Sir *John Elliot*, for the satisfying of his own malice and disloyal affections to your Majesty, and by the confederacy and agreement aforesaid, and in a high contempt and disobedience unto your Majesties command, aforesaid, and with set purpose to oppose your Majesties said command, did stand up, and several times offered to speak. Whereupon the said Speaker, in obedience to your Majesties said command, endeavouring to have gone out of the Chair, the said *Denzil Holles* and *Benjamin Valentine*, being then next the Speakers Chair, and the one of them on the one hand, and the other of them on the other hand of the Speaker ( where they so placed themselves of purpose on that day ) out of their disobedience to your Majesty, and by the confederacy and agreement aforesaid, violently, forcibly, and unlawfully, and with purpose to raise a tumult in the said House, kept and held the said Speaker in the said Chair, against his Will; and the said Speaker again endeavouring to leave the Chair, and having then gotten out of the Chair, they, the said *Denzil Holles* and *Benjamine Valentine* laid violent hands upon the said Speaker, forcibly and unlawfully, and by strong hand thrust him into his Chair again; and then the said Sir *John Elliot* again stood up, and used these speeches; (*viz.*) 'We have prepared n short Declaration of our Intentions, which I hope shall agree with the Honour of the House, and the Justice of the King. And with that he threw down a Paper into the floor of the said House, desiring it might be read: and the said *Denzil Holles*, *Benjamin Valentine*, and all other the Confederates aforesaid, in disobedience and high contempt of your Majesties said command, called and cried out to have the same Paper read. But some others of the House spake to the contrary, that it might not be read; and the House thereupon, by reason of the disorderly behaviour of the said Confederates, was much troubled, many pressing violently and tumultuously to have the said Paper read, and others dutifully and diligently urging the contrary, to the great disquiet and discomfort of many well-affected Members of that House.
- B And the said *William Coriton*, in this distemper, demeaned himself so passionately and violently, that he then and there violently, forcibly, and unlawfully assaulted and struck *Winterton*, Gent. then being a Member of the said House: and divers of the Members of the said House being then desirous, and endeavouring to have gone out of the said House, the said Sir *Miles Hobart* did, of his own head, lock the door of the said House, and kept the key thereof, and imprisoned the Members of the said House, being then in the said House, against their wills, so that none of them could go out. And the said *William Strode*, for the further expressing of his malignity and undutifulness towards your Majesty, and in pursuance of the agreement and confederacy aforesaid, openly moved, and with much earnestness urged, that the said Paper or Declaration might be first read, to the end (as he then, in great contempt of your Royal Majesty, said) that we, meaning the Members of the House,
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House, may not be turned off like scattered Sheep, and sent home as we were last Sessions, with a scorn put upon us in Print ; meaning thereby the words which your Majesty, in your own Person, spake at the ending of the last Session, and caused the same to be printed : and the said *Stroud*, in a very disorderly manner, further moved, That all those who would have the said Paper read, should stand up ; which divers of them thereupon did do accordingly, and he the said *Stroud* amongst others did stand up ; and in this heat of contention, and height of disobedience, by the confederacy aforesaid, to have the said Paper read, the said Sir *Peter Hayman*, with rough and reproachful words, reproved the said Speaker, for being constant and resolute in his obedience to your Majesty, in not putting the reading of the said Paper to the Question, as by all the said Confederates, with many Reasons and Arguments he was urged to do : and the said Sir *Peter Hayman* then further said, That the said Speaker was made an Instrument to cut up the Liberty of the Subjects by the roots. But when by no means the said Speaker would be drawn to transgres your Majesties Royal command aforesaid, and lest the said Paper should not be read, the said *John Selden* moved, that the Clerk of the said House might read the same : and when the said Sir *John Elliot* found, that he and his Confederates aforesaid, could not procure the said Paper to be read, he, the said Sir *John Elliot*, to the end he might not lose that opportunity to vent and publish those malicious and seditious Resolutions, which he and his Confederates had collected, and prepared as aforesaid, took back the said Paper again, and then immediately in the said House said, *I shall now express that by Tongue, which this Paper should have done* ; and then spake these words : ‘ The miserable condition we are in, both in matters of Religion and Policy, makes me look with a tender eye both to the Person of the King, and to the Subjects. And then speaking of them whom he intended to be ill Instruments in this State, at whom he principally aimed, he said. ‘ There are amongst them some Prelates of the Church, the great Bishop of *Winchester* and his fellows; it is apparent what they have done, to cast an asperion upon the honour, and piety, and goodness of the King. These are not all, but it is extended to some others, who, I fear, in guilt of conscience of their own desert, do joyn their power with that Bishop and the rest, to draw his Majesty into a jealousie of the Parliament; amongst whom, I shall not fear to name the great Lord Treasurer, in whose person I fear is contrated all that which we suffer. If we look into Religion or Policy, I find him building upon the ground laid by the Duke of *Buckingham* his great Master; from him, I fear, came those ill Counsels which contracted that unhappy conclusion of the last Session of Parliament; I find, that not only in the affections of his heart, but also in relation to him, and I doubt not to fix it indubitably upon him: and so from the power and greatness of him, comes the danger of our Religion. For Policy, in that great Question of Tunnage and Poundage, the interest which is pretended to be the Kings, is but the interest of that Person, to undermine the Policy of this Government, and thereby to weaken the Kingdom, while he invites Strangers to come in to drive our Trade, or at least our Merchants to Trade in Strangers Bottoms, which is as dangerous. Therefore it is fit to be declared by us, that all that we suffer, is the effect of new Counsels, to the ruine of the Government of the State ; and to make a Protestation against all those Men whether,

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whether greater or subordinate, that they shall all be declared as capital Enemies to the King and Kingdom, that will perswade the King to take Tunnage and Poundage without grant of Parliament, and that if any Merchants shall willingly pay those duties without consent of Parliament, they shall be declared as accessaries to the rest. Which words of the said Sir John Elliot, were by him uttered as aforesaid, falily, and maliciously, and seditiously, out of the wickednes of his own affections towards your Majesty, and your gracious and religious Government, and by the confederacy, agreement, and privity of the said other Confederates, and to lay a slander and scandal thereupon; and not with a purpose, or in a way to rectifie any thing which he conceived to be amiss, but to traduce and blast those persons against whom he had conceived malice; for so himself the same day in that House said, and laid down as a ground for that he intended to say, *That no man was ever blasted in that House, but a curse fell upon him.*

B And further, so it is, may it please your most excellent Majesty, That when the said Sir John Elliot had thus vented that malice and wickednes which lay in his heart, and as appeareth by his own words, were expressed in the said Paper, which was prepared as aforesaid, the said Walter Long, out of his inveterate malice to your Majesty, and to your Affairs, and by the confederacy aforesaid, then and there said, *That man who shall give away my Liberty and Inheritance ( I speak of the Merchants ) I note them for capital Enemies to the Kingdom.* And lest the hearers should forget these wicked desperate positions laid down as aforesaid, and to the end the same might have the deeper impression, and be the more divulged abroad to the prejudice of your Majesty, and of your great Affairs, and to the scandal of your Government, the said Denzil Holles collected into several Heads what the said Sir John Elliot had before delivered out of that Paper, and then said, *Whoever shall counsel the taking up of Tunnage and Poundage, without an Act of Parliament, let him be accounted a capital Enemy to the King and Kingdom.* And further, *What Merchants soever shall pay Tunnage and Poundage without an Act of Parliament, let him be counted a Betrayer of the Liberty of the Subjects, and a capital Enemy to the King and Kingdom.*

E Which positions thus laid, the said Denzil Holles, neither being Speaker, nor sitting in the Chair as in a Committee by direction of the House, but in an irregular way, and contrary to all course of orderly proceedings in Parliament, offered to put these things so delivered by him as aforesaid, to the Question, and drew from his Confederates aforesaid an applause and assent, as if these things had been voted by the House.

F And further: so it is, may it please your most Excellent Majesty, That the disobedience of the said Confederates was then grown to that height, that when Edward Grimston, the Serjeant at Arms then attending the Speaker of that House, was sent for by your Majesty, personally to attend your Highness, and the same was made known in the said House, the said Confederates notwithstanding at that time, forcibly and unlawfully kept the said Edward Grimston locked up in the said House, and would not suffer him to go out of the House to attend your Majesty: And when also on the same day, James Maxwell Esquire, the Gentleman-Usher of the Black-Rod, was sent from your Majesty to the said Commons House, with a Message immediately from your Majesties

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own person, they the said Confederates utterly refused to open the door of the House, and to admit the said *James Maxwell* to go to deliver his Message. After all which, the said House was then adjourned until the said tenth day of *March* then following; and on the said tenth day of *March* the said Parliament was dissolved and ended. In consideration of all which premises, and forasmuch as the contempt and disobedience of the said *Sir John Elliot*, and other the Confederates aforesaid, were so great, and so many, and unwarranted by the priviledge and due proceeding of Parliament, and were committed with so high a hand, and are of so ill example, and so dangerous consequence, and remain all unpardonable. Therefore they prayed a process against them, to answer their contempts in the high Court of *Star-chamber*.

*Memorandum*, That the 29 of *May*, Anno *quinto Car. Reg.* these words, viz. *After all which, the said House was then Adjourned until the said tenth day of March; and on the said tenth day of March the said Parliament was dissolved and ended;* were added and inserted by order of the Court, immediately before, *In tender consideration, &c.*

Proceedings in  
Star-chamber  
against Mr.  
Chambers.

At the same time Sir *Robert Heath*, the Kings Attorney-General, preferr'd an Information in *Star-chamber* against *Richard Chambers* of the City of *London*, Merchant; wherein, first, he did set forth the gracious Government of the King, and the great Priviledges which the Merchants have in their Trading, by paying moderate duties for the Goods and Merchandizes exported and imported, and setting forth, that the raising and publishing of undutiful and false speeches, which may tend to the dishonour of the King or the State, or to the discouragement or discontentment of the Subject, or to set discord or variance between his Majesty and his good People, are offences of dangerous consequence, and by the Law prohibited, and condemned under several penalties and punishments.

That nevertheless the said *Richard Chambers*, the 28 day of *September* last, being, amongst some other Merchants, called to the Council-board at *Hampton-Court*, about some things which were complained of in reference to the Customs, did then and there, in an insolent manner in the presence or hearing of the Lords and other of his Majesties Privy-Council, then sitting in Counsel, utter these undutiful, seditious, and false words, *That the Merchants are in no part of the world so screwed and wrung as in England; That in Turkey they have more encouragement.* By which words, he the said *Richard Chambers*, as the Information setteth forth, did endeavour to alienate the good affection of his Majesties Subjects from his Majesty, and to bring a slander upon his just Government: And therefore the Kings Attorney prayed Process against him.

His Answer.

To this Mr. *Chambers* made answer, That having a Case of Silk Gogerams brought from *Bristol* by a Carrier to *London*, of the value of 400*l.* the same were, by some inferiour Officers, attending on the Custom-house, seized without this Defendants consent; notwithstanding he offered to give security to pay such Customs as should be due by Law, and

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and that he hath been otherwise grieved and damnified, by the Injurious dealing of the Under Officers of the Custom-house ; and mentioned the particulars wherein : and that being called before the Lords of the Council, he confesseth, that out of the great sense which he had of the injuries done him by the said inferiour Officers, he did utter these words, *That the Merchants in England were more wrung and screwed than in Foreign parts.* Which words were only spoken in the presence of the

A Privy-Council, and not spoken abroad, to stir up any discord among the people ; and not spoken with any disloyal thought at that time of his Majesty's Government, but only intending by these words to introduce his just complaint against the wrongs and injuries he had sustained by the inferiour Officers ; and that as soon as he had heard a hard construction was given of his words, he endeavoured by Petition to the Lords of the Council, humbly to explain his meaning, that he had not the least evil thought as to his Majesties Government ; yet was not permitted to be heard, but presently sent away prisoner to the *Marshalsea* : and when he was there a prisoner, he did again endeavour by petition to give satisfaction to the Lords of the Council ; but they would not be pleased to accept of his faithful explanation, which he now makes unto this Honourable Court upon his Oath ; and doth profess from the bottom of his heart, *That his speeches only aimed at the abuses of the inferiour Officers, who in many things dealt most cruelly with him and other Merchants.*

C There were two of the Clerks of the Privy-Council examined as Witnesses to prove the words, notwithstanding the Defendant confessed the words in his Answer as aforesaid, who proved the words as laid in the Information. And on the sixth of May, 1629. the Cause came to be heard in the *Star-chamber*, and the Court were of opinion, that the words spoken were a comparing of his Majesties Government with the Government of the Turks ; intending thereby to make the people believe, that his Majesties happy Government may be termed *Turkish Tyranny* ; and therefore the Court fined the said Mr. Chambers in the sum of 2000*l.* to his Majesties use, and to stand committed to the Prison of the *Fleet*, and to make submission for his great offence, both at the *Council-board*, in Court of *Star-chamber*, and at the *Royal Exchange*.

D There was a great difference of opinion in the Court about the Fine : and because it is a remarkable Case, here followeth the names of each several person who gave sentence, and the Fine they concluded upon, *viz.*

|   | His Sentence.                                                                                                                                                                                                             |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E | Sir Francis Cottington, Chancellor of the Exchequer, his opinion was for 500 <i>l.</i> Fine to the King, and to acknowledge his offence at the <i>Council-board</i> , the <i>Star-chamber Bar</i> , and <i>Exchange</i> . |
| F | Sir Tho. Richardson, Lord Chief Justice of the <i>Common Pleas</i> , 500 <i>l.</i> Fine to the King, and to desire the Kings favour.                                                                                      |
|   | Sir Nicholas Hide, Lord Chief Justice of the <i>Kings Bench</i> , 500 <i>l.</i> and to desire the Kings favour.                                                                                                           |
|   | Sir John Cook, Secretary of State, 1000 <i>l.</i>                                                                                                                                                                         |
|   | Sir Humphrey May, Chancellor, 1500 <i>l.</i>                                                                                                                                                                              |
|   | Sir Thomas Edmonds, 2000 <i>l.</i>                                                                                                                                                                                        |
|   | Sir Edward Barret, 2000 <i>l.</i>                                                                                                                                                                                         |
|   | Doctor                                                                                                                                                                                                                    |

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|                                                      |         |
|------------------------------------------------------|---------|
| Doctor <i>Neal</i> , Bishop of <i>Winchester</i>     | 3000 l. |
| Doctor <i>Laud</i> , Bishop of <i>London</i>         | 3000 l. |
| Lord <i>Carlton</i> , Principal Secretary of State   | 3000 l. |
| Lord , Chancellor of <i>Scotland</i>                 | 3000 l. |
| Earl of <i>Holland</i>                               | 1500 l. |
| Earl of <i>Doncaster</i>                             | 1500 l. |
| Earl of <i>Salisbury</i>                             | 1500 l. |
| Earl of <i>Dorset</i>                                | 3000 l. |
| Earl of <i>Suffolk</i>                               | 3000 l. |
| Earl of <i>Montgomery</i> , Lord Chamberlain         | 1500 l. |
| Earl of <i>Arundel</i> , Lord High Marshal           | 3000 l. |
| Lord <i>Montague</i> , Lord Privy Seal               | 3000 l. |
| Lord <i>Conway</i>                                   | 2000 l. |
| Lord <i>Weston</i> , Lord Treasurer                  | 3000 l. |
| Lord <i>Coventry</i> , Lord Keeper of the Great Seal | 1500 l. |
| So the Fine was settled to                           | 2000 l. |

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And all ( except the two Chief Justices ) concurred for a Submission also to be made. And accordingly the Copy of the Submission was sent to the Warden of the Fleet, from Mr. Attorney-General, to shew the said *Richard Chambers*, to perform and acknowledge it : and was as followeth :

A Submission  
tendered.

I Richard Chambers of London Merchant, do humbly acknowledge, that whereas upon an Information exhibited against me by the King's Attorney-General, I was in Easter-Term last sentenced by the Honourable Court of Star-Chamber, for that in September last, 1628. being convented before the Lords and others of his Majesty's most Honourable Privy-Council-board, upon some speeches then used concerning the Merchants of this Kingdom, and his Majesty's well and gracious usage of them; did then, and there, in insolent, contemptuous, and seditious manner, falsely and maliciously say and affirm, That they, meaning the Merchants, are in no parts of the World so screwed and wrung as in England; and that in Turkey they have more encouragement. And whereas by the Sentence of that Honourable Court, I was adjudged, among other punishments justly imposed upon me, to make my humble acknowledgment and submission of this great offence at this Honourable Board, before I should be delivered out of the Prison of the Fleet, whereto I was then committed, as by the said Decree and Sentence of that Court, among other things it doth and may appear: Now I the said Richard Chambers, in obedience to the Sentence of the said Honourable Court, do humbly confess and acknowledge the speaking of these words aforesaid, for the which I was so charged, and am heartily sorry for the same; and do humbly beseech your Lordships all to be honourable intercessors for me to his Majesty, that he would be graciously pleased to pardon this great error and fault so committed by me.

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When Mr. Chambers read this draught of submission, he thus subscribed the same :

His refusal.

All the abovesaid Contents and Submission, I Richard Chambers do utterly abhor and detest, as most unjust and false; and never till death will acknowledge any part thereof.

Rich. Chambers.

Also

F

Also he under-writ these Texts of Scripture to the said Submission, before he returned it.

*That maketh a man an offender for a word, and lay a snare for him that reproveth in the gate, and turn aside the just for a thing of nought.*

*Blame not before thou hast examined the truth; understand first, and then rebuke: answer not before thou hast heard the cause, neither interrupt men in the midst of their talk.*

*Doth our Law judge any man before it hear him, and know what he doth? King Agrippa said unto Paul, Thou art permitted to speak for thy self.*

*Thou shalt not wrest the judgment of the poor in his cause, thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the eyes of the righteous.*

*Wo to them that devise iniquity, because it is in the power of their hand, and they covet fields, and take them by violence; and houses, and take them away: so they oppress a man and his house, even a man and his heritage.*

*Thus saith the Lord God, let it suffice you, O Princes of Israel: Remove violence and spoil, and execute judgment and justice, take away your exactions from my people, saith the Lord God.*

*If thou seest the oppression of the poor, and violent perverting of judgment and justice in a Province, marvel not at the matter: for he that is higher than the highest regardeth, and there be higher than they.*

5 Caroli.  
Places of Scripture mentioned by him.  
Isa. 29.21.  
Eccles. 11.7,8.

John 7.51.  
A. s 26.2.

Exod. 23.6.  
Deut. 16.19.

Mic. 2. 1,2.

Ezek. 45.9.  
& 46.8.

Eccles. 5.8.

C

Per me, Richard Chambers.

D

Afterwards in the Term of Trinity, the 5th. year of King Charles, it is found in the great Roll of this year, that there is demanded there, of Richard Chambers of London, Merchant, 2000 l. for a certain Fine imposed on him, hither sent by virtue of a Writ of our said Lord the King, under the foot of the Great Seal of England, directed to the Treasurer and Barons of this Exchequer, for making execution thereof to the use of the said Lord the King, as is there contained; and now, that is to say, in the Utas of the Blessed Trinity, this Term, comes the said Richard Chambers in his own proper person, and demands Oyer of the demand aforesaid, and it is read unto him; and he demands Oyer also of the Writ aforesaid, under the foot of the Great Seal of England hither sent, and is read unto him in these words:

London.  
His Plea in the  
Exchequer.

E

**C**harles by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. To his Treasurer and Barons of his Exchequer, health. The extrete of certain Fines taxed and adjudged by us and our Council, in our said Council, in our Court of Star-Chamber, in the Term of St. Michael, the Term of St. Hillary, and the Term of Easter last past, upon Thomas Barns, of the Parish of St. Clements Danes in the County of Middlesex, Carpenter, and others, severally and dividedly, as they be there severally assed, We send unto you included in these presents, commanding, that looking into them, you do that which by Law you ought to do against them, for the levying of those Fines. Witness our self at Westminster, the 21 of May, in the year of our Reign the 5 Mutas.

F

And

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And the tenor of the Schedule to the said Writ annexed, as to the  
said *Richard Chambers*, followeth in these words :

" **I**N the Term of *Easter*, the fifth year of King *Charles*, of *Richard Chambers of London*, Merchant, 2000*l.* which being read, heard, and by him understood, he complains, that he is grievously vexed and injured by colour of the Premises; and that not justly, for that protesting, that the said Great Roll, and the matter therein contained, is not in Law sufficient, to which he hath no need, nor is bound by Law to answer; yet for Plea the said *Richard Chambers* saith, That he, of the demand aforesaid, in the Great Roll aforesaid mentioned, and every parcel thereof, ought to be discharged against the said Lord the King, for that he said, That he from the time of the Taxation of the aforesaid Fine, and long before, was a Freeman and a Merchant of this Kingdom; that is to say, In the Parish of the Blessed *Mary of the Arches*, in the Ward of *Cheap, London*. And that by a certain Act in the Parliament of the Lord *Henry* late King of *England* the Third, held in the ninth year of his Reign, it was provided by Authority of the said Parliament, That a Freeman shall not be amerced for a little offence, but according to the manner of the said offence; and for a great offence, according to the greatness of the offence, saving to him his Contenement or Free-hold; and a Merchant in the same manner, saving unto him his Merchandise; and a Villain of any other than the King after the same manner to be amerced, saving his Wainage; and none of the said Amerciaments to be imposed but by the Oaths of good and lawful men of the Neighbourhood: And by a certain other Act in the Parliament of the Lord *Edward*, late King of *England*, the first, held in the Third year of his Reign, it was and is provided, That no City, Burrough, or Town, nor any Man, shall be amerced, without reasonable cause, and according to his Trespass; that is to say, A Free-man, saving to him his Contenement; a Merchant, saving to him his Merchandise; and a Villain, saving to him his Wainage: and this by their Peers. And by the same Act in the Parliament of the said Lord *Henry*, late King of *England* the Third, held in the ninth year of his Reign aforesaid, it was and is provided by Authority of the said Parliament, That no Freeman should be taken or imprisoned, or disfeized of his Freehold, or Liberties, or Free-Customs, or outlawed, or banished, or any way destroyed. And that the Lord the King should not go upon him, nor deal with him, but by a lawful Judgment of his Peers, or by the Law of the Land. And by a certain Act in Parliament of the Lord *Edward* late King of *England* the third, held in the fifth year of his Reign, it was and is provided by the Authority of the said Parliament, That no man henceforward should be attached by reason of any Accusation, nor pre-judged of Life or Member, nor that his Lands, Tenements, Goods or Chattels should be seized into the hands of the Lord the King against the form of the Great Charter, and the Law of the Land. And by a certain Act in the Parliament of the Lord *Henry* late King of *England* the Seventh, held in the third year of his Reign, reciting, that by unlawful Maintenances given of Liveries, Signs, and Tokens, and retainders by Indentures, Promises, Oaths, Writings, and other Imbraceries of the Subjects of the said Lord the King, false Demeanors of Sheriffs, in making of Pannels, and other false Returns, by taking " of

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E. 3. 5.

H. 7. 3.

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- A ' of money by Jurors, by great Riots and unlawful Assemblies the Poli-  
' cy and good Government of this Kingdom was almost subdued: and  
' by not punishing of the said inconveniences, and by occasion of the  
' premisses, little or nothing was found by Inquisition; by reason there-  
' of, the Laws of the Land had little effect in their execution, to the  
' increase of Murders, Robberies, Perjuries, and insecurities of all men  
' living, to the loss of their Lands and Goods, to the great displeasure  
' of Almighty God. It was ordained for reformation of the premisses,  
' by authority of the said Parliament, that the Chancellor and Treasur-  
' er of *England* for the time being, and the Keeper of the Privy-Seal of  
' the Lord the King, or two of them, calling to them one Bishop, one  
' Lord Temporal of the most Honourable Council of the Lord the  
' King, and two Chief Justices of the *Kings Bench* and *Common-Pleas*  
' for the time being, or two other Justices in their absence, by Bill  
' or Information exhibited to the Chancellor for the King, or any  
B ' other, against any person, for any other ill behaviours aforesaid,  
' have authority of calling before them, by Writ of Privy-Seal, such  
' Malefactors, and of examining them and others by their discretion,  
' and of punishing such as they find defective therein, according to  
' their demerits, according to the form and effect of the Statutes thereof  
' made, in the same manner and form as they might and ought to be  
' punished, if they were thereof convinced according to the due course  
' of Law. And by a certain other Act in the Parliament of the Lord  
C ' *Henry*, late King of *England*, the Eighth, held in the one and twentieth  
' year of his Reign, reciting the offences in the foresaid Statute of the  
' said late King *Henry* the Seventh, before-mentioned, by authority of  
' the said Parliament, it was and is ordained and enacted, That hence-  
forward the Chancellor, Treasurer of *England*, and the President of  
' the most Honourable Privy-Council of the King, attending his most  
honourable Person for the time being, and the Lord Keeper of the  
' Privy-Seal of the Lord the King, or two of them, calling to them one  
D ' Bishop, and one Temporal Lord of the most Honourable Council of  
' the Lord the King, and two Chief Justices of the *Kings Bench* and  
' *Common Pleas* for the time being, or two Justices in their absence, by  
any Bill or Information then after to be exhibited to the Chancellor  
of *England*, the Treasurer, the President of the said most Honourable  
Council of the Lord the King, or the Keeper of the Privy-Seal of the  
' Lord the King for the time being, for any misdemeanor in the afore-  
said Statute of King *Henry* the Seventh aforesaid before recited, from  
E ' henceforth have full power and authority of calling before them, by  
Writ or by Privy-Seal, such Malefactors, and of examining of them and  
others by their discretion, and of punishing those that are found defec-  
tive according to their demerits. According to the form and effect  
of the said Statute of the aforesaid Lord King *Henry* the Seventh, and  
of all other Statutes thereupon made not revoked and expired, in the  
same manner and form as they might and ought to be punished, if they  
were convicted according to the due order of the Laws of the  
F ' said Lord the King. And by the aforesaid Writ, under the foot of  
the Great Seal, it manifestly appears, that the said Fine was imposed  
by the Lord the King and his Council, and not by the Legal Peers of  
the said *Richard Chambers*, nor by the Law of the Land, nor according  
to the manner of the pretended offence of the said *Richard Chambers*,  
nor saving unto him his Merchandise, nor for any offence mentioned  
in

An. 1629.

' in the said Statutes ; all and singular the which, the said *Richard Chambers* is ready to verifie to the Court, &c. and demands judgment ; and  
 ' that he be discharged of the said 2000*l.* against the said Lord, the now  
 ' King ; and that as to the premisses he may be dismissed from this  
 ' Court.

Waterhouse.

1629. 16 June.

With this Plea he annexed a Petition to the Lord Chief Baron, and also to every one of the Barons, humbly desiring the filing of the Plea, with other Reasons in the manner of a motion at the Bar, because he said, Counsel would not move, plead, nor set hand to it, as further appeareth.

A

The Copy of the Order upon Mr. Attorney's motion in the *Exchequer*, the 17 July, 1629. after the Plea put in, and order to file it. Per the Lord Chief Baron.

B

London.  
Order in the  
Exchequer.

**T**ouching the Plea put into this Court by Richard Chambers, to discharge himself of a Fine of 2000*l.* set on him in the Star-chamber, forasmuch as Sir Robert Heath Knight, his Majesties Attorney General, informed this Court, that the said Chambers in his said Plea recites divers Statutes, and Magna Charta, and what offences are punishable in the Star-chamber, and how the proceedings ought to be ; and upon the whole matter concludes, That the said Fine was imposed by the King and his Council, and not by a Legal Judgment of his Peers, nor by the Laws of the Land, nor according to the manner of his offence, nor saving his Merchandize, nor for any offence mentioned in the said Statutes. Which Plea, Mr. Attorney conceiving it to be very frivolous and insufficient, and derogatory to the honour and jurisdiction of the Court of Star-chamber, humbly prayeth might not be allowed of, nor filed : It is therefore this day ordered, That the said Plea shall be read on Saturday next, and then upon hearing the Kings Counsel, and the Counsel of the said Richard Chambers, this Court will declare their further order therein ; and in the mean time the said Plea is not to be filed nor delivered out.

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In Michaelmas Term following, Mr. Chambers was brought by a *Habeas Corpus* out of the Fleet : and the Warden did return,

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Mr. Chambers  
brought by a  
*Habeas Corpus.*

**T**HAT he was committed to the Fleet by virtue of a Decree in the Star-Chamber, by reason of certain words he used at the Council Table, (viz.) That the Merchants of England were screwed up here in England more than in Turkey. And for these and other words of defamation of the Government, he was censured to be committed to the Fleet, and to be there imprison'd until he had made his submission at the Council-Table, and to pay a Fine of 2000*l.* And now at the Bar he prayeth to be delivered, because this Sentence is not warranted by any Law or Statute : For the Statute of 3 Hen. 7. which is the foundation of the Court of Star-chamber, doth not give them any authority to punish for words only. But all the Court informed him, That

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That at the Court of Star-Chamber was not erected by the Statute of 3 H.7. but was a Court many years before, and one of the most high and honourable Courts of Justice: and to deliver one who was committed by the Decree of one of the Courts of Justice, was not the usage of this Court; and therefore he was remanded.

A As a concurrent proof of these proceedings concerning Mr. Chambers we shall insert here a Petition of his (though out of time) to the Long Parliament.

### To the Parliament of the Commonwealth of England, Scotland and Ireland.

B The brief Remonstrance and humble Petition of Richard Chambers, Merchant, late Alderman and Sheriff of the City of London:

#### S H E W I N G,

C His Petition to  
the Parliament  
**T**HAT in the Parliament held in the years 1627, and 1628. it was voted and declared by the honourable House of Commons, That whosoever shall counsel or advise the taking or levying of the Subsidy of Tunnage and Poundage, not granted by Parliament, or shall be any Actor or Instrument therein, shall be reputed an Innovator in the Government, and a capital Enemy to the Kingdom and Commonwealth; and if any Merchant or Person whatsoever shall voluntarily yield or pay the said Subsidy of Tunnage and Poundage, not being granted by Parliament, they shall likewise be reputed Betrayers of the Liberties of England, and Enemies to the same, as may appear by the said Order upon Record.

D In submission and obedience whereunto, the Petitioner first opposed and withheld the payment of Tunnage and Poundage (until they were settled by Parliament) and all other illegal Taxes; for which submission and obedience, in the years 1628, and 1629, the Petitioner had 7060 pounds of his Goods wrongfully taken and detained from him by the late Kings Officers and Farmers of the Custom-House of London for pretended duties, and a heavy Sentence and Fine in the Star-Chamber, which was imposed upon him in the year 1629. besides which losses, the Petitioner further suffered in his person by six whole years imprisonment in the Fleet, for not submitting to that Sentence and Fine: and in the year 1637. nine months imprisonment in Newgate for notwithstanding Ship-money: by which losses and imprisonments, the Petitioner was put by the exercise of his calling, and was wounded in his credit and reputation.

E Which sufferings the honourable House of Commons (upon the Petitioners complaint in the year 1640.) taking into their grave considerations, were pleased to refer the examination thereof to a Committee of 50 Members, wherein were included the Committee for the Navy and Customs; who being well satisfied of the truth therof, by Oath, and other good sufficient proofs upon Record, drew up their Report, that the Petitioner ought then to have 13680 pounds in part of Reparation, leaving the rest of those Reparations to the further judgment of the Honourable House, as by the annexed Copy of that Report may further appear.

F In pursuit of which report, the Parliament then levied and received from the old Farmers and Officers of the Customs 50000 pounds for wrongs and abuses done to the Petitioner (chiefly) and other Merchants, intending first to give

An. 1629.

give to the Petitioner satisfaction out of the same, because he was the first man that opposed the pretended duties, and the greatest sufferer.

Whereupon in the year 1642. the Petitioner was chosen Alderman, and in the year 1644. Sheriff of the City of London : which places the Petitioner earnestly endeavoured to shun ; but such were the earnest importunities, and persuasive encouragements of divers Members of the Honourable House, (who then desired to have the Petitioner in place of Trust, for his former service to the Commonwealth) that the Petitioner was constrained to accept not only of the place of Alderman, but further underwent the Office and Charge of Sheriff of London, which stood the Petitioner in 4000 pounds that year. A

But notwithstanding the aforesaid promises and intents of the Parliament to give the Petitioner satisfaction, such were the great compulsive exigents, and urgent necessities of those times, caused by the publick distractions, that the said monies were converted to the publick use ; therefore the Parliament desired the Petitioner to have a little patience promising him speedy satisfaction as well for the forbearance as for the principal debt : but the distractions continuing, the Petitioner had neither interest nor any part of his Principal, the Parliament in the year 1648. in part of satisfaction, settled the Petitioner in the Office of Surveyor and Check in the Custom-house of London, then worth at least 600 l. per annum ; but the Petitioner having only enjoyed that place eight months, was causisly ouited by sinister information of intruders, who have enjoyed that Office, and divided the profit thereof between them ever since that intrusion. B

Moreover, the late King by Privy-Seal, owes to the Petitioners Wife (who is the Relict of Mr. Thomas Ferrer) for Linnen Cloth 5000 l. and for Money lent 1200 l. for which she was assignd satisfaction out of the Customs of Tobacco ; besides, she was further assignd out of Sir Thomas Dawes Office 100 marks per annum : all which debts likewise lie wholly unsatisfied, to the Petitioners great prejudice. C

Besides the aforesaid losses, hinderances, expences, sufferings, and forbearances of the profit of the said Office, the Petitioner from time to time hath laid out himself for the common good, in acting, lending, spending, (and serving) when others refused ; exposed himself to that imminent danger at Branford, by leadin out a Troop of Horse for the Prizledges, Liberties, and Rights of the City of London and Commonwealth, insomuch, that thereby, and for want of his satisfaction aforesaid, the Petitioner having consumed his Estate, hath been constrained to sell and morgage some part of his Lands to pay Creditors, and to maintain his Family, having a Wife and nine Children ; and is likely to be undone for obeying the Parliaments Commands, unless by the justice and commiseration of this honourable Assembly he be speedily relieved and righted, for that ever since the said reported sum, the Petitioner from time to time hath made his humble addresses to the supreme powers for the time being, for satisfaction thereof ; and to be restored to the said Office, but could not prevail. D E

The Petitioner therefore humbly prays, That he may not perish for acting for the publick good according to the Declaration of Parliament, but that now after 26 years suffering, whereof twelve years in fruitless and wearisome waitings, this honourable Assembly would now be pleased to take the unparalleld sufferings of the Petitioner into their grave considerations, for some speedy course for the Petitioners satisfaction, to pay his Debts, and redeem his Lands by ordering him the one moyety of his Debt in ready Money out of the daily Customs of London, (from whence his first losses and suffer-

F

A

sufferings sprang) and the other moiety to be discompted upon such Goods as the Petitioner shall make Entries of by Exportation or importation in the Custom-house, London, until his Debt with the Interest be fully satisfied and paid ; or any other speedy way, as in your grave wisdoms shall seem meet. And in like manner for his Wives Debt, which is to pay Debts and Legacies : and that the Petitioner may forthwith be restored to, and settled in the said Office, and have Reparations from the Intruders.

*And the Petitioner, with his, shall in all duty ever pray, &c.*

Sept. 6. 1654.

*Richard Chambers.*

B The Petitioner being wearied out with twelve years attendance upon one Parliament, in hopes of reparation for his imprisonment, troubles, and losses, during the eleven years former interval of Parliament, in standing for the Liberty of the Subject, grew infirm ; and being not relieved, was reduced to a low estate and condition : he died in Summer 1658. being about the age of Seventy years.

His death.

C *Trinity 5 Car. Banco Regis.* The first day of this Term, upon a *Habeas Corpus* to Sir Allen Apsley the Lieutenant of the Tower, to bring here the body of John Selden Esq; with the cause of Detainer : he returned the same cause as in Mr. Stroud's Case. And Mr. Littleton of the Inner-Temple, of Counsel with Mr. Selden, moved, that the Return was insufficient in substance ; therefore pray'd that he might be bailed : and said, That it was a matter of great consequence, both to the Crown of the King, and to the Liberty of the Subject : but as for the difficulty of Law contained in it, he said (under favour) the Case cannot be said *Grand*. And so proceeded to his Argument (which, for the Reasons before-mentioned, we have postponed) and concluded, that the Prisoner ought to be bailed.

Mrs. Selden  
brought upon  
a *Habeas Cor-*  
*pus.*

D The same day Sir Miles Hubbard, Benjamin Valentine, Denzil Holles, Esq; were at the Bar upon the *Habeas Corpus*, directed to several Prisons. And their Counsel were ready at the Bar to have argued the Case for them also. But because the same Return was made for them as for Mr. Selden, they all declared, they would rely on this Argument made by Mr. Littleton.

E Some few days after, Sir Robert Heath, the Kings Attorney General, argued, that this Return was good ; and that Mr. Selden and the rest of the Parties ought not to be bailed ; and that within the Return there appears good cause of their commitment, and of their detaining also. He said, The Case is great in expectation and consequence, and concerns the Liberty of the Subject on one part, whereof the Argument is plausible ; and on the other part it concerns the Safety and Sovereignty of the King, which (he said) is a thing of great weight ; and that the consideration of both pertains to you the Judges, without sleighting the one, or too much elevating the other : And so proceeded to his Argument (of which, more at large hereafter) and concluded, that the Prisoners ought to be remanded.

F When the Court was ready to have delivered their opinions in this great business, the Prisoners were not brought to the Bar according to

S fff 2 the

An. 1629.

the Rule of the Court. Therefore Proclamation was made, for the keepers of the several Prisons to bring in their Prisoners; but none of them appeared, but the Marshal of the Kings-Bench, who informed the Court, that Mr. Strode, who was in his custody, was removed yesterday, and put in the Tower of London by the Kings own Warrant; and so it was done with the other Prisoners, for each of them was removed out of his Prison in which he was before. But notwithstanding it was pray'd by the Counsel for the Prisoners, that the Court would deliver their opinion as to the matter in Law: but the Court refused to do that, because it was to no purpose; for the Prisoners being absent, they could not be bailed, delivered, or remanded.

The evening before, there came a Letter to the Judges of this Court from the King himself, informing the Court with the Reasons, wherefore the Prisoners were not suffered to come at the day appointed for the resolution of the Judges. These were the words of the Letter.

### To Our Trusty and Well-beloved, Our Chief Justice, and the rest of Our Justices of Our Bench.

C. R.

A Letter from  
the King to  
the Judges.

**T**RUSTY and well-beloved, We greet you well: Whereas by our special commandment we have lately removed Sir Miles Hubbard, Walter Long and Will. Stroud from the several Prisons where they were formerly committed, and have now sent them to our Tower of London; understanding there are various constructions made thereof, according to the several apprehensions of those who discourse of it, as if we had done it to decline the course of Justice: We have therefore thought fit to let you know the true reason and occasion thereof, as also, why we commanded those and the other Prisoners should not come before you the last day: We (having heard how most of them awhile since did carry themselves insolently and unmannerly both towards us and your Lordships) were and are very sensible thereof; and though we hear yourselves gave them some admonition for that miscarriage, yet we could not but resent our Honour, and the Honour of so great a Court of Justice so far, as to let the world know how much we dislike the same: And having understood, that your Lordships, and the rest of our Judges and Barons of our Court of Common-pleas and Exchequer (whose advices and Judgments we have desired in this great business, so much concerning our Government) have not yet resolved the main question; we did not think the presence of those Prisoners necessary; and until we should find their temper and dispositions to be such as may deserve it, we were not willing to afford them favour. Nevertheless, the respect we bear to the proceedings of that Court, hath caused us to give way, that Selden and Valentine should attend you to morrow, they being sufficient to appear before you, since you cannot as yet give any resolute opinion in the main point in question. Given under our Signet at our Manner at Greenwich, this 24 Junii, in the fifth year of our Reign.

Within three hours after the receipt of those Letters, other Letters were brought unto the said Judges, as followeth.

To

5 Caroli.

To our Trusty and Well-beloved, Our Chief Justice, and the rest of Our Justices of Our Bench.

A C. R.

To our Trusty and Well-beloved, We greet you well. Whereas by our Letters of this day's date, we gave you to understand our pleasure, That of those Prisoners which, by our commandment, are kept in our Tower of London, Selden and Valentine should be brought to morrow before you; now upon more mature deliberation, we have resolved, That all of them shall receive the same treatment, and that none shall come before you, until we have cause given us to believe they will make a better demonstration of their Modesty and Civility, both towards us and your Lordships, than at their last appearance they did.

Another Letter.

Given under Our Signet at Our Mannor  
at Greenwich, this 24 day of June, in  
the fifth year of our Reign.

So the Court this Term delivered no opinion, and the imprisoned Gentlemen continued in restraint all the long Vacation.

C Note, that in this Term a *Habeas Corpus* was prayed to the Pursevant of Arms for four Constables of Hertfordshire, to whose custody they were committed by the Lords of the Privy-Council; and the *Habeas Corpus* was granted on their behalf: but then they were committed to the custody of other Pursevants; and so upon every *Habeas Corpus* they were removed from Pursevant to Pursevant, and could have no fruit of their *Habeas Corpus* all this Term.

D There wanted not some, who, upon the Kings dissolution of this Parliament, and his ill success in two former Parliaments, did advise, that his Majesty for the future might be no more troubled with the impertinencies of Parliaments; holding out for example the like discontinuance for assembling the Three Estates in France, which was in time about four years before the Blazing-Star, by Lewis the Eleventh, King of France, who, by reason the Third Estate, representing the Commons, did incroach (as he declared) too much upon the Clergy and Nobility, the King dissolved that Parliament of the Three Estates, and never had a free Election of the Third Estate afterwards, but ordained another kind of Meeting instead thereof, which is called *L'Assembly des Notables*, an Assembly of certain eminent Persons of his own Nomination; whereunto he added some Counsellor out of every Court of Parliament: there being Eight in all in France, and being few in number, and of his own Nomination, would more readily comply with the Kings proposals, and not dispute his will and pleasure, as the general Assembly of the Three Estates had wont to do, when the King trenched upon the Liberty and Property of the Subject: which alteration of the Government, as to the Third Estate, hath ever since exposed the Commons to much vassalage and misery, as at this day is apparent by the meanness of their livelihood, and wearing of wooden shoes.

E F L'Assembly des Notables.

That which gives us occasion to mention this last particular, is a little Tract

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Tract composed to the said end and purpose, and which did this Trinity long Vacation walk abroad, and went from hand to hand, sometime at Court, sometime in the Countrey, and sometime at the Inns of Court; which we here set down *verbatim* in the Appendix, that the humour of the Author thereof may be the more clearly discerned; and when we come to its proper time and place, you shall see what success this Pamphlet had, when it was questioned in the Star-chamber.

A Letter to  
the Judges.The King con-  
fers with some  
of them.

Towards the latter end of this Vacation, all the Justices of the Kings Bench, being then in the Countrey, received every one of them a Letter to be at Sergeants-Inn upon Michaelmas-day. These Letters were from the Council-Table; and the cause expressed in them, was, *That his Majesty had present and urgent occasion to use their service.* The Judges came up accordingly on Tuesday, being Michaelmas-day. The next morning about four o'clock, Letters were brought to the Chief Justice from Mr. Trumbal, Clerk of the Council, then attending, that he and Judge Whitlock, one of the Judges of that Court, should attend the King that morning so soon as conveniently they could: which the Chief Justice and that Judge did at Hampton that morning; where the King taking them apart from the Council, fell upon the business of the Gentlemen in the Tower, and was contented they should be bailed, notwithstanding their obstinacy, in that they would not give the King a Petition, expressing, *That they were sorry he was offended with them.* He shewed his purpose to proceed against them by the Common-Law in the Kings-Bench, and to leave his proceeding in the Star-Chamber. Divers other matters he proposed to the said Judges by way of advice, and seemed well contented with what they answered, though it was not to his mind; which was, *That the offences were not capital, and that by the Law the Prisoners ought to be bailed, giving security to the good behaviour.* Whereupon the King told them, *That he would never be offended with his Judges, so they deal plainly with him, and did not answer him by Oracles and Riddles.* Both these Judges did at that time what good Office they could to bring the King on to heal this breach.

The first day of Michaelmas-Term it was moved by Mr. Mason to have the Resolution of the Judges; and the Court with one voice said, *That they are now content that they should be bailed, but that they ought to find Sureties also for the good behaviour.* And Jones Justice said, *That so it was done in the Case which had been often remembred to another purpose, to wit, Russells Case in 9 E. 3.* To which Mr. Selden awfered (with whom all the other Prisoners agreed in opinion) *That they have their Sureties ready for the Bail, but not for the good behaviour; and desire, that the Bail might first be accepted, and that they be not urged to the other; and that for these Reasons:*

Motion to bail  
the Prisoners.

*First, The Case here hath long depended in Court (and they have been imprisoned for these thirty weeks) and it hath been oftentimes argued on the one side and the other; and those that argued for the King, always demanded that we should be remanded; and those which argued on our side, desired that we might be bailed or discharged: but it was never the desire of the one side or the other, that we should be bound to the good behaviour. And in the last Term four several days were appointed for the resolution of the Court, and the sole point in question was, If bailable or not. Therefore he now desires, that the matter of bail and of good behaviour may be severed, and not confounded.*

*Secondly, Because the finding of Sureties of good behaviour is seldom urged upon*

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upon Returns of Felonies or Treasons. And it is but an implication upon the Return, that We are culpable of those matters which are objected.

5 Caroli.

3. We demand to be bailed in point of Right; and if it be not grantable of Right, we do not demand it: but the finding of Sureties for the good behaviour is a point of discretion merely; and we cannot assent to it, without great offence to the Parliament, where these matters which are surmised by Return were acted; and by the Statute of 4 Hen. 8. all punishments of such nature are made void and of none effect. Therefore, &c.

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**Curia.**

B The Return doth not make mention of any thing done in Parliament, and we cannot, in a judicial way, take notice that these things were done in Parliament. And by Whitlock, The surety of good behaviour, is as a preventing medicine of the damage that may fall out to the Commonwealth; and it is an Act of Government and Jurisdiction, and not of Law. And by Crook, it is no inconvenience to the Prisoners: for the same bail sufficeth, and all shall be written upon one piece of Parchment. And Heath Attorney-General said, That by the command of the King he had an Information ready in his hand to deliver in the Court against them. Hide Chief-Judge: If now you refuse to find Sureties for the good behaviour, and be for that cause remanded; perhaps we afterwards will not grant Habeas Corpus for you, inasmuch as we are made acquainted with the cause of your Imprisonment.

C Ashley the Kings Sergeant offered his own bail for Mr. Holles, one of the Prisoners (who had married his Daughter and Heir) but the Court refused it; for it is contrary to the course of the Court, unless the Prisoner himself will become bound also.

D And Mr. Long that had found Sureties in the Chief Justices Chamber for the good behaviour, refused to continue his Sureties any longer, inasmuch as they were bound in a great sum of 2000*l.* and the good behaviour was a ticklish point. Therefore he was committed to the custody of the Marshal, and all the other Prisoners were remanded to the Tower, because they would not find Sureties for the good behaviour.

E Accordingly the same Term an Information was exhibited by the Attorney-General against Sir John Elliot, Denzil Holles, Sir Benjamin Valentine, reciting, That a Parliament was summoned to be held at Westminster, 17 Martii tertio Caroli Regis, *ibid. inchoat.* and that Sir John Elliot was duly elected, and returned Knight for the County of Cornwall, and the other two Burgesies of Parliament for other places: and Sir John Finch chosen Speaker.

An Information exhibited in the Kings-Bench against Sir John Elliot, &c.

F That Sir John Elliot machinans & intendens, omnibus viis & modis, seminare & excitare discord, evil will, murmerings and seditions, as well versus Regem, Magnates, Prelatos, Proceres, & Justiciarios suos, quam inter Magnates, Proceres, & Justiciarios, & reliquos Subditos Regis, & totaliter deprivare & avertere regimen & gubernationem Regni Angliae tam in Domino Rege, quam in Conciliariis & Ministris suis cuiuscunque generis; & introducere tumultum & confusionem, in all Estates and parts, & ad intentionem, That all the Kings Subjects should withdraw their affections from the King. The 23 of February Ann. 4 Carol. in the Parliament, and hearing of the Commons, falso, malitiose & seditiose, used these words,

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words, the Kings Privy-Council, his Judges, and his Counsel learned, have conspired together to trample under their feet the Liberties of the Subjects of this Realm, and the Liberties of this House. And afterwards upon the 2d. of March, Ann. 4. aforesaid, the King appointed the Parliament to be adjourned till the 10th of March next following, and so signified his pleasure to the House of Commons: and that the three Defendants the said 2d day of March 4 Car. malitiose, agreed, and amongst themselves conspired to disturb and distract the Commons, that they should not adjourn themselves according to the Kings pleasure before signified; And that the said Sir John Elliot, according to the agreement and conspiracy aforesaid, had maliciously *in propositum & intentionem prædict.* in the House of Commons aforesaid, spoken these false, malicious, pernicious, and seditious words precedent, &c. And that the said Denzil Holles according to the agreement and conspiracy aforesaid, between him and the other Defendants, then and there, *falso, malitiose, & seditiose, uttered hæc falsa, malitiosa, & scandalosa verba præcedentia, &c.* And that the laid Denzil Holles and Benjamin Valentine, *secundum agreementum & confirmationem prædict.* & *ad intentionem & propositum prædict.* uttered the said words upon the said 2d of March, after the signifying the Kings pleasure to adjourn: and the said Sir John Finch the Speaker, endeavoured to get out of the Chair according to the Kings Command, They *vi & armis manu forti & illicita,* assaulted, evil-intreated, and forcibly detained him in the Chair; and afterwards, he being out of the Chair, they assaulted him in the House, and evil-intreated him, & *violenter manu forti & illicita* drew him to the Chair, and thrust him into it: whereupon there was a great tumult and commotion in the House, to the great terror of the Commons there assembled, against their Allegiance, *in maximum contemptu,* and to the disherison of the King, his Crown and Dignity: for which, &c.

The Plea of  
Sir John Elliot.

To this Information the Defendants put in a Plea to the Jurisdiction of the Court: *Forasmuch as these offences supposed to have been done in Parliament, they ought not to be published in this Court, or any other except in Parliament.* And the Attorney General moved the Court to over-rule the Plea as to the Jurisdiction of the Court; and this he said, the Court might do, although he did not demur upon the Plea; But the Court would not over-rule the Plea; but gave a day to join in demurrer that Term. And on the first day of the next Term, the Record to be read; and within a day after argued at the Bar.

In Hillary Term following, the Case of Walter Long Esquire, one of the imprisoned Gentlemen, came to hearing in the Star-Chamber which was as followeth.

Mr. Walter  
Long's Case in  
Star-chamber.

An Information was exhibited into the Star-chamber, by Sir Robert Heath Knight, his Majesties Attorney-General, Plaintiff, against the said Walter Long Defendant, for a great and presumptuous contempt against his Majesty, for breach of Duty and trust of his Office, and for manifest and willful breach of his Oath taken as High Sheriff

- Sheriff of the County of Wilts, and not residing and dwelling in his own person in the said County, according to the said Oath; but being chosen one of the Citizens for the City of Bath, in the County of Somerset, to serve for the said City in the last Parliament, by colour thereof he remained at London or Westminster during the time of that Parliament by the space of three months and above, in neglect of his duty, and in manifest contempt of the Laws of this Kingdom: which cause was now, by his Majesties said Attorney-General, brought to hearing upon the Defendants own confession. And upon opening the Answer, and reading the Examination of the said Defendant, it appeared to this Court, *That the said Defendant Long was by his now Majesty made High Sheriff of the County of Wilts in or about November, in the third year of his Majesties Reign, and received his Patent of Sheriffwick for the said County about ten days after; and that he took an Oath before one of the Masters of the Chancery, for the due execution of the said Office of Sheriff of the said County.*
- In which Oath, as appear'd by the same there read in Court, he did swear, That he would in his own person remain within his Bayliffwick during all the time of his Sheriffwick, unless he had the Kings license to the contrary; and that at an Election of Citizens for the said City of Bath, the said Defendant Long was chosen one of the Citizens to serve for the said City of Bath in the Parliament then summoned, to be holden and commence upon the 17 day of March in the said third year of his Majesties Reign; and being so chosen, and returned by the Sheriff of the County of Somerset, notwithstanding his said Oath taken to remain in his proper person, within his Bayliffwick, unless he were licensed by his Majesty, he the said Defendant did make his personal appearance in the Commons House of Parliament, at the City of Westminster, in the County of Middlesex, and did, during the most part of the said Parliament, continue in and about the City of London and Westminster, and did attend in the Parliament as a Citizen for the said City of Bath: during all which time he likewise was and continued High Sheriff for the said County of Wilts, and had no particular license from his Majesty to the contrary. Upon consideration whereof, as also of the particular causes and reasons of the Defendants Demurrer and Plea formerly exhibited unto the said Information, the benefit whereof was by Order of the Court reserved unto the Defendant to be debated and considered of at the hearing of this cause, and of divers other matters now urged for the Defendant, both to have justified his the said Defendants attendance in Parliament, and his not residence in person in the County whereof he was then Sheriff; and amongst other things that it properly belonged to the House of Parliament to judge of the justness or unjustness of the said Election; and upon grave and mature consideration thereof had and taken by the Court, their Lordships did not only conceive the said Demurrer and Plea, and other the Arguments and Reasons used by the Defendant and his Council to be of no weight or strength, but also to be in opposition and derogation of the Jurisdiction of the Court; the reasons moved and urged for the Defendants excuse or justification being clearly answered, and the charges of the Information made good by Mr. Attorney-General, and others of his Majesties Counsel learned. And therefore the whole Court were clear of opinion, and did so declare, "That the said Defendant, who at that time, as High Sheriff, had the custody and charge of the County of Wilts committed unto him by his Majesty, and had taken his Oath

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according to the Law to abide in his proper person within his Bayliff-wick during all the time of his Sheriffwick as aforesaid, and whose trust and imployment did require his personal attendance in the said County, had not only committed a great offence in violating the said Oath so by him taken, but also a great misdemeanor in breach of the trust committed unto him by his Majesty, and in contempt of his Majesties pleasure signified unto him by and under his Highness Great Seal, when he granted unto him the said Office of Sheriffwick aforesaid. For which said several great offences in breach of his said Oath, neglect of the trust and duty of his Office, and the great and high contempt of his Majesty, their Lordships did hold the same Defendant worthy the Sentence of the Court; the rather, to the end that by this example the Sheriffs of all other Counties may be deterr'd from committing the like offences hereafter, and may take notice, that their personal residence and attendance is required within their Bayliffwicks during the time of their Sheriffwick. The Court therefore thought fit, ordered, adjudged, and decreed, That the said Defendant should stand and be committed to the Prison of the Tower, there to remain during his Majesties pleasure, and also pay a fine of two thousand Marks to his Majesties use; and further, make his humble submission and acknowledgment of his offence both in the Court of Star-chamber, and to his Majesty, before his thence enlargement.

Arguments concerning Sir John Elliot.

The same Term Mr. Mason argued in the Kings Bench for Sir John Elliot against the Information preferred against him (amongst others) by Sir Robert Heath, the Kings Attorney-General; and the same day the Attorney-General argued in maintenance of the said Information: The Judges also the same day spake briefly to the Case, and agreed with one voice, *That the Court, as this case is, shall have Jurisdiction, although that these offences were committed in Parliament, and that the imprisoned Members ought to answer.*

Jones began and said, 'That though this Question be now newly moved, yet it is an ancient Question with him; for it had been in his thoughts these eighteen years. For this Information there are three Questions in it:

1. *Whether the matters informed be true or false: and this ought to be determined by Jury or Demurrer.*
2. *When the matters of the Information are found or confessed to be true, if the Information be good in substance.*
3. *Admit that the offences are truly charged, if this Court hath power to punish them: And that is the sole Question of this day.*

' And it seems to me, that of these offences, although committed in Parliament, this Court shall have Jurisdiction to punish them. The Plea of the Defendants here to the Jurisdiction being concluded with a Demurrer, is not peremptory unto them, although it be adjudged against them; but if the Plea be pleaded to the Jurisdiction, which is found against the Defendant by Verdict, this is peremptory.

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" In the discussion of this point, I decline these Questions.

1. If the matter be voted in Parliament, when it is finished, it can be punished and examined in another Court.
2. If the matter be commenced in Parliament, and that ended, if afterward it may be questioned in another Court.

A I question not these matters, but I hold, That an offence committed criminally in Parliament, may be questioned elsewhere, as in this Court; and that for these Reasons :

*First, Quia interest Reipublicæ ut maleficia non maneat impunita : and there ought to be a fresh punishment of them. Parliaments are called at the Kings pleasure, and the King is not compellable to call his Parliament ; and if before the next Parliament, the party offending, or the Witnesses die, then there will be a failer of Justice.*

B Secondly, *The Parliament is no constant Court ; every Parliament mostly consists of several men, and by consequence, they cannot take notice of matters done in the foregoing Parliament ; and there they do not examine by Oath, unless it be in Chancery, as it is used of late time.*

Thirdly, *The Parliament cannot send Process to make the offenders to appear at the next Parliament ; and being at large, if they hear a noise of a Parliament, they will fugam facere, and so prevent their punishment.*

C Fourthly, *Put the case that one of the Defendants be made a Baron of Parliament, now he cannot be punished in the House of Commons, and so he shall be unpunished.*

It hath been objected, *That the Parliament is the Superior Court to this, therefore this Court cannot examine their proceedings.*

D To this I say, *That this Court of the Kings Bench is a higher Court than the Justices of Oyer and Terminer, or the Justices of Assize : But if an offence be done where the Kings Bench is, after it is removed, this offence may be examined by the Justices of Oyer and Terminer, or by the Justices of Assize. We cannot question the judgments of Parliaments, but their particular offences.*

E 2. Object. *It is a Priviledge of Parliament, whereof we are not competent Judges.*

F To this I say, *That privilegium est privata Lex & privat legem. And this ought to be by grant prescription in Parliament, and then it ought to be pleaded for the manner, as in 33 H.8. Dy. as it is not here pleaded. Also we are Judges of all Acts of Parliament : as 4 H.7. Ordinance made by the King and Commons is not good, and we are Judges what shall be said a Session of Parliament, as it is Plowden in Partridges Case. We are Judges of their Lives and Lands, therefore of their Liberties. And 8 Eliz. (which was cited by Mr. Attorney) it was the opinion of Dyer, Catlyn, Welsh, Brown, and Southcot, Justices, That offences committed in Parliament may be punished out of Parliament. And 3 Ed.5.19. it is good Law. And it is usual near the end of Parliaments to set down some petty punishment upon offenders in Parliament, to prevent other Courts. And I have seen a Roll in this Court, in 6 H.6. where Judgment was given in a Writ of Annuity in Ireland, and afterward the said Judgment was*

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reversed in Parliament in *Ireland*; upon which Judgment, Writ of Error was brought in this Court, and reversed.

Lord Chief Justice *Hide*.

*Hide* Chief Justice, to the same intent : “ No new matter hath been offered to us now by them that argue for the Defendants, but the same Reasons and Authorities in substance, which were objected before all the Justices of *England*, and Barons of the *Exchequer*, at *Serjeants-Inn* in *Fleet-street*, upon an Information in the *Star-chamber* for the same matter. At which time, after great deliberation, it was resolved by all of them, *That no offence committed in Parliament, that being ended, may be punished out of Parliament*. And no Court more apt for that purpose than this Court in which we are : and it cannot be punished in a future Parliament, because it cannot take notice of matters done in a fore-going Parliament.

“ As to that that was said, That an Inferior Court cannot meddle with matters done in a Superior; True it is, that an Inferior Court cannot meddle with Judgments of a Superior Court; but if particular Members of a Superior Court offend, they are oft-times punishable in an Inferior Court: As, if a Judge shall commit a capital offence in this Court, he may be arraigned thereof at *Newgate*. 3 E.3.19. and 1 Mar. which have been cited, over-rule this Case. Therefore,

Justice *Whitlock*.

*Whitlock* accordingly :

1. *I say in this Case, Nihil dictum quod non dictum prius.*
2. *That all the Judges of England have resolved this very point.*
3. *That now we are but upon the brink and skirts of the Cause: for it is not now in question if these be offences or no; or, if true or false; but only if this Court have jurisdiction.*

But it hath been objected, *That the offence is not capital, therefore it is not examinable in this Court.*

But though it be not capital, yet it is criminal, for it is sowing of Sedition to the destruction of the Common-wealth. The Question now is not between us that are Judges of this Court, and the Parliament, or between the King and the Parliament; but between some private Members of the House of Commons and the King himself: for here the King himself questions them for those offences, as well he may. In every Common-wealth there is one Supereminent Power, which is not Subject to be questioned by any other; and that is the King in this Common-wealth, who, as *Braeton* saith, *Solum Deum habet ultorem*. But no other within the Realm hath this Priviledge. It is true, that that which is done in Parliament by consent of all the House, shall not be questioned elsewhere; but if any private Members, *excunt personas judicum, & induunt malefacentium personas, & sunt seditionis*, Is there such Sanctimony in the place, that they may not be questioned for it elsewhere? The Bishop of *Ross*, as the Case hath been put, being Ambassador here, practised matters against the State: And it was resolved, *That although Legatus sit Rex in alieno solo, yet when he goes out of the bounds of*

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A of his Office, and complots with Traitors in this Kingdom, that he shall be punished as an offender here. A Minister hath a great priviledge when he is in the Pulpit ; but yet, if in the Pulpit he utter speeches which are scandalous to the State, he is punishable. So in this Case, when a Burgess of Parliament becomes mutinous, he shall not have the Priviledge of Parliament. In my opinion, the Realm cannot consist without Parliaments, but the behaviour of Parliament-men ought to be Parliamentary. No outrageous speeches were ever used against a great Minister of State in Parliament, which have not been punilshed. If a Judge of this Court utter scandalous speeches to the State, he may be questioned for them before Commissioners of Oyer and Terminer, because this is no Judicial act of the Court.

B But it hath been objected :

C That we cannot examine *Acts done by a higher Power.*

To this I put this Case : When a Peer of the Realm is arraigned of Treason, we are not his Judges, but the High Steward, and he shall be tried by his Peers : But if error be committed in this proceeding, that shall be reversed by Error in this Court : for that which we do is *Coram ipso Rege.*

D It hath been objected :

E That the Parliament-Law differs from the Law by which we judge in this Court in sundry Cases. And for the instance which hath been made, That by the Statute, none ought to be chosen Burgess of a Town in which he doth not inhabit, but that the usage of Parliament is contrary. But if Information be brought upon the said Statute against such a Burgess, I think that the Statute is a good warrant for us to give judgment against him.

F And it hath been objected :

G That there is no president in this matter.

H But there are sundry Presidents, by which it appears, that the Parliament hath transmitted matters to this Court ; as 2 R. 2. there being a question between a great Peer and a Bishop, it was transmitted to this Court, being for matter of behaviour, and although the Judges of this Court are but inferiour men, yet the Court is higher: for it appears by the 11 Eliz. Dy. That the Earl Marshal of England is an Officer of this Court; and it is always admitted in Parliament, That the Priviledges of Parliament hold not in three Cases, to wit, First, in case of Treason. Secondly, in case of Felony. And thirdly, in suit for the Peace. And the last is our very Case. Therefore, &c.

An. 1629. Crook argued to the same intent (but I did not well hear him) he said, *That these offences ought to be punished in the Court, or nowhere; and all manner of offences which are against the Crown, are examinable in this Court.*

It hath been objected:

*That by this means, none will adventure to make his complaints in Parliament.*

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That is not so, for he may complain in a Parliamentary course, but not falsely and unlawfully, as here is pretended; for that which is unlawfully, cannot be in a Parliamentary course.

It hath been objected:

*That the Parliament is a higher Court than this.*

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And it is true: But every Member of Parliament is not a Court; and if he commit offence, he is punishable here. Our Court is a Court of high Jurisdiction, it cannot take cognizance of real Pleas; but if a real Plea comes by Error in this Court, it shall never be transmitted. But this Court may award a *Grand Cope*, and other Process usual in real Actions: But of all capital and criminal Causes, we are originally competent Judges, and by consequence of this matter. But I am not of the opinion of Mr. Attorney-General, that the word *proditorie* would have made this Treason. And for the other matters, he agreed with the Judges. Therefore by the Court, the Defendants were ruled to plead further: and Mr. Lenthal of Lincolns-Inn was assigned of Counsel for them.

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Judgement.

Judgment pronounced.

Inasmuch as the Defendants would not put in other Plea, the last day of the Term, Judgment was given against them upon a *Nihil dicit*; which Judgment was pronounced by Jones to this effect:

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"The matter of the Information now, by the confession of the Defendants, is admitted to be true, and we think their Plea to the Jurisdiction insufficient for the matter and manner of it. And we hereby will not draw the true Liberties of Parliament-men into Question; to wit, for such matters which they do or speak in Parliamentary manner. But in this case there was a conspiracy between the Defendants to slander the State, and to raise sedition and discord between the King, his Peers and People; and this was not a Parliamentary course. All the Judges of England, except one, have resolved the Statute of 4 H.8. to be a private Act, and to extend to Strood only. But every Member of the Parliament shall have such Priviledges as are there mentioned; but they have no Priviledge to speak at their pleasure. The Parliament is an high Court, therefore it ought not to be disorderly, but ought to give good example to other Courts. If a Judge of our Court shall rail upon the State or Clergy, he is punishable for it. A Member of the Parliament may charge any great Officer of the State with any particular offence; but this was a malevolent accusation in the generality of all the Officers of State, therefore the matter contained within the Information is a great offence, and punishable in this Court.

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‘ 2. For the punishment, although the offence be great, yet that shall be with a light hand, and shall be in this manner.

5 Caroli,

1. That every of the Defendants shall be imprisoned during the Kings pleasure: Sir John Elliot to be imprisoned in the Tower of London, and the other Defendants in other Prisons.

A 2. That none of them shall be delivered out of Prison until he give security in this Court for his good behaviour, and have made submission and acknowledgment of his offence.

3. Sir John Elliot, inasmuch as we think him the greatest offender, and the Ringleader, shall pay to the King a Fine of 2000 l. and Mr. Holles, a Fine of 1000 Marks: and Mr. Valentine, because he is of less ability than the rest, shall pay a Fine of 500 l. And to all this, all the other Justices with one voice accorded.

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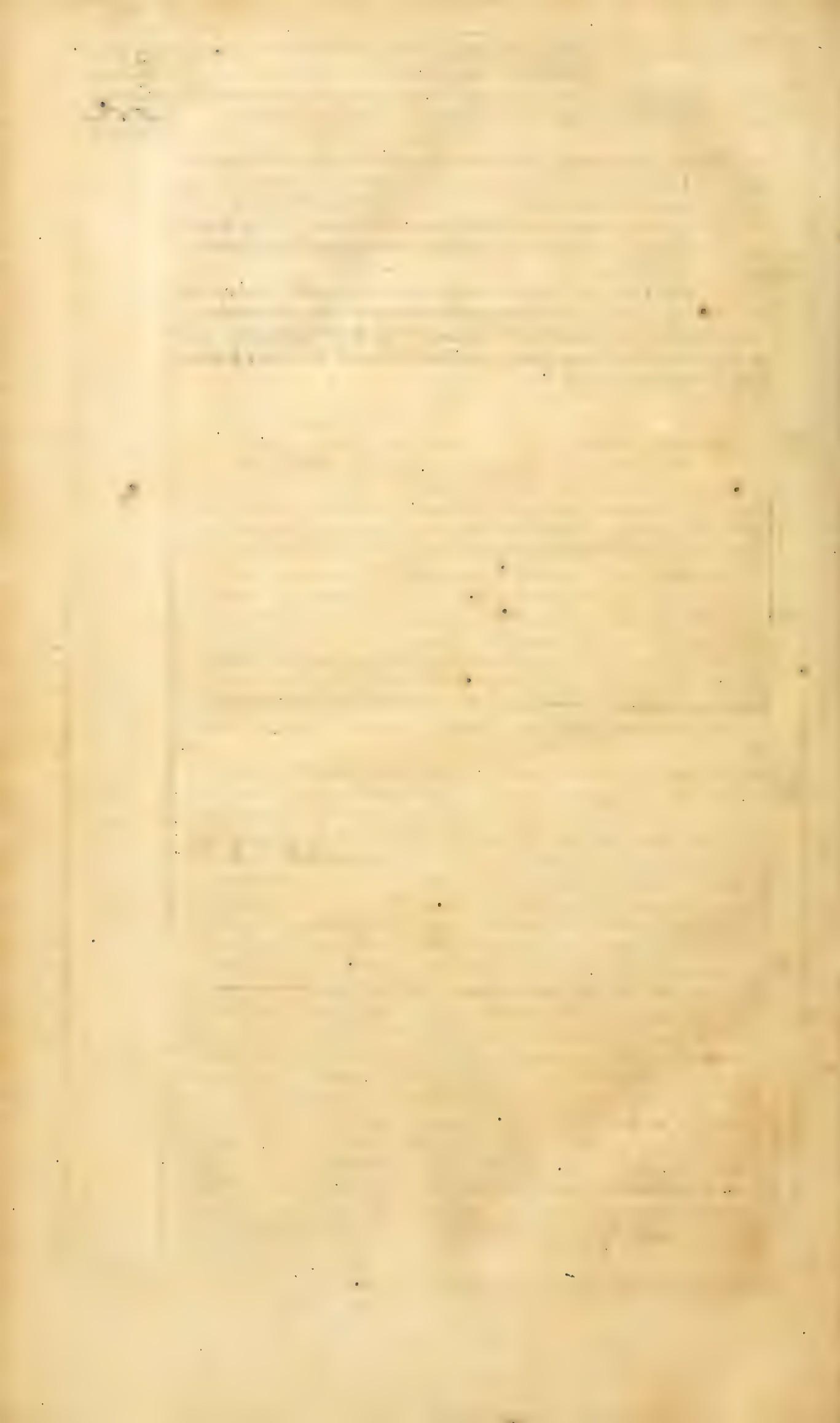
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**APPEN-**



## APPENDIX.

*His Majesties Declaration to all His loving Subjects, of the Causes which moved him to dissolve the last Parliament, March 10. 1628.*

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**H**owssoever Princes are not bound to give account of their Actions but to God alone ; yet for the satisfaction of the minds and affections of Our loving Subjects, We have thought good to set down thus much by way of Declaration, that We may appear to the world in the truth and sincerity of Our Actions, and not in those Colours, in which We know some turbulent and ill-affected spirits (to masque and disguise their wicked intentions, dangerous to the State) would represent us to the publick view.

The Kings  
Declaration of  
the causes  
which moved  
him to dissolve  
the last Parlia-  
ment.

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We assembled Our Parliament the 17<sup>th</sup>. day of *March*, in the third year of Our Reign, for the safety of Religion, for securing Our Kingdoms and Subjects at home, and Our Friends and Allies abroad. And therefore at the first sitting down of it, We declared the miserable afflicted estate of those of the Reformed Religion in *Germany*, *France*, and other parts of Christendom ; the distressed extremities of Our dearest Uncle, the King of *Denmark*, chased out of great part of his Dominions ; the strength of that Party which was united against Us ; That (besides the Pope and the House of *Austria*, and their antient confederates) the French King professed the rooting out of the Protestant Religion ; That of the Princes and States on Our party, some were overrun, others diverted, and some disabled to give assistance. For which and other important Motives, We propounded a speedy supply of Treasure, answerable to the necessity of the Cause.

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These things in the beginning were well resented by the House of Commons, and with much alacrity and readiness, that they agreed to grant a liberal aid : But before it was brought to any perfection, they were diverted by a multitude of Questions, raised amongst them, touching their Liberties and Privileges, and by other long disputes, that the Bill did not pass in a long time ; and by that delay, Our affairs were put into a far worse case than at the first ; Our Foreign actions then in hand being thereby disgraced and ruined, for want of timely help.

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In this, as We are not willing to derogate from the merit and good intentions of those wise and moderate men of that House, (to whose forwardness We attribute it, that it was Propounded and Resolved so soon) so We must needs say, that the delay of passing it when it was resolved, occasioned by causless jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that Supply. And their spirit infused into many of the Commissioners and Assessors in the Countrey, hath returned up the Subsidies in such a scanty proportion, as is infinitely short, not only of Our great occasions, but of the presidents of former Subsidies, and of the intentions of all well affected men in that House.

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In those large Disputes, as We permitted many of Our high Prerogatives to be debated, which in the best times of Our Predecessors had never been questioned, without punishment or sharp reproof ; so We

did endeavour to have shortned those debates, for winning of time, which would have much advantaged Our great affairs, both at home and abroad. And therefore both by speeches and messages, We did often declare Our gracious and clear resolution, to maintain, not only the Parliament, but all Our People, in their ancient and just Liberties, without either violation or diminution ; and in the end, for their full satisfaction and security, did by an Answer, framed in the form by themselves desired, to their Parliamentary Petition, confirm their ancient and just Liberties and Rights, which We resolve, with all constancy and justice, to maintain.

This Parliament, howsoever besides the settling our necessary supply, and their own liberties, they wasted much time in such proceedings, (blasting our Government, as We are unwilling to remember) yet We suffered them to sit, until themselves desired Us to appoint a time for their Recels, not naming either Adjournment or Prorogation.

Whereupon by advice of Our Council, We resolved to Prorogue and make a Session ; and to that end prefixed a day, by which they might (as was meet in so long a Sitting) finish some profitable and good Laws ; and withal gave order for a gracious Pardon to all Our Subjects: which according to the use of Former Parliaments, passed the Higher House, and was sent down to the Commons. All which being graciously intended by Us, was ill entertained by some disaffected persons of that House, who by their artifices, in a short time raised so much heat and distemper in the House, for no other visible cause, but because We had declared Our resolution to Prorogue as Our Council advised, and not to Adjourn, as some of that House (after Our resolution declared, and not before) did manifest themselves to affect ; that seldom hath greater passion been seen in that House, upon the greatest occasions. And some glances in the House, but upon open rumors abroad, were spread, That by the Answer to the Petition, We had given away, not only Our Impositions upon Goods, exported and imported, but the Tunnage and Poundage, (whereas in the debate and hammering of that Petition, there was no speech or mention in either House concerning those Impositions, but concerning Taxes and other charges within the Land ; much less was there any thought thereby to debate Us of Tunnage ad Poundage, which, both before and after the Answer to that Petition, the House of Commons, in all their Speeches and Treaties, did profess they were willing to grant.) And at the same time, many other misinterpretations were raised of that Petition and Answer, by men, not well distinguishing between well ordered liberty, and licensiousness ; as if by Our Answer to that Petition, We had let loose the Reys of Our Government. And in this distemper, the House of Commons, laying aside the Pardon, (a thing never done in any former Parliament) and other business fit to have been concluded in that Session, some of them went about to frame and contrive a Remonstrance against Our receiving of Tunnage and Poundage which was so far proceeded in, the night before the prefix'd time for concluding the Session, and so hastened by the contrieversthereof, that they meant to have put it to the Vote of the House the next morning, before We should prorogue the Session. And therefore finding Our gracious favours in the Session, afforded to Our People, so ill requited, and such sinister strains made upon Our Answer

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A to that Petition, to the diminution of Our profit, and (which was more) to the danger of Our Goverment : We resolved to prevent the finishing of that Remonstrance, and other dangerous intentions of some ill-affected persons, by ending the Session the next morning, some few hours sooner than was expected ; and by Our Own Mouth to declare to both Houses the cause thereof ; and for hindring the spreading of those sinister interpretations of that Petition and Answer, to give some necessary directions, for settling and quieting Our Government, until another Meeting ; which We performed accordingly the Six and twentieth of June last.

B The Session thus ended, and the Parliament risen, that intended Remonstrance gave Us occasion to look into the busines of Tunnage and Poundage. And therefore, though Our necessities pleaded strongly for Us, yet We were not apt to strain that point too far, but resolved to guide Our Self by the practice of former Ages, and examples of Our most noble Predecessors ; thinking those counsels best warranted,

C which the wisdom of former Ages, concurring with the present occasions, did approve ; and therefore gave order for a diligent search of Records : upon which it was found, That although in the Parliament holden in the first year of the Reign of King *Edward* the Fourth, the Subsidy of Tunnage and Poundage was not granted unto that King, but was first granted unto him by Parliament in the third year of his Reign ; yet the same was accounted and answered to that King, from the first day of his Reign, all the first and second years of his Reign, and, until it was granted by Parliament. And that in the succeeding times of King *Richard* the Third, King *Henry* the Seventh, King *Henry* the Eighth, King *Edward* the Sixth, Queen *Mary*, and Queen *Elizabeth*, the Subsidy of Tunnage and Poundage was not only enjoyed by every of those Kings and Queens, from the death of each of them deceasing, untill it was gaanted by Parliament unto the Successor ; but in allthose times, (being for the most part peaceable, and not burdened with like charges and neceſſities, as these modern times)

D the Parliament did most readily and chearfully, in the beginning of every of those Reigns, grant the same, as a thing most necessary for the guarding of the Seas, safety and defence of the Realm, and supportation of the Royal Dignity. And in the time of Our Royal Father of blessed memory, he enjoyed the same a full year, wanting very few days, before his Parliament began ; and above a year before the A& of Parliament for the grant of it, was passed. And yet when the Parliament was assembled, it was granted without difficulty. And in Our

E Own time, We quietly received the same three years and more, expecting with patience, in several Parliaments, the like grant thereof, as had been made to so many of Our Predecessors ; the House of Commons still professing, That multitude of other businesses, and not want of willingness on their part, had caused the settling thereof to be so long deferred.

F And therefore finding so much reason and necessity, for the receiving of the ordinary Duties in the Custom-house, to concur with the practice of such a Succession of Kings and Queen, famous for Wisdom, Justice, and Government ; and nothing to the contrary, but that intended Remonstrance hatched out of the passionate brains of a few particular persons ; We thought it was so far from the wisdom and duty of a House of Parliament, as we could not think, that any moderate and discreet man, (upon composed thoughts, setting aside passion

passion and distemper) could be against receiving of Tunnage and Poundage ; especially since We do, and still must, pursue those ends; and undergo that charge, for which it was first granted to the Crown, It having been so long and constantly continued to our Predecessors, as that in four several Acts of Parliament for the granting thereof to King Edward the Sixth, Queen Mary, Queen Elizabeth, and Our Blessed Father. It is in express terms mentioned, to have been had and enjoyed by the several Kings, named in those Acts, time out of mind, by authority of Parliament. And therefore upon these reasons, We held it agreeable to Our Kingly Honour, and necessary for the safety and Good of Our Kingdom, to continue the Receipt thereof, as so many of Our Predecessors had done. Wherefore when a few Merchants (being at first but one or two) fomented, as it is well known, by those evil spirits, that would have hatched that undutiful Remonstrance, began to oppose the payment of Our accustomed Duties in the Custom house. We gave order to the Officers of Our Customs to go on, notwithstanding that opposition, in the receiving of the usual Duties ; and caused those, that refused, to be warned to attend at the Council-board, that by the wisdom and authority of Our Council, they might be reduced to obedience and duty ; where some of them, without reverence or respect to the honour and dignity of that Presence, behaved themselves with such boldness and infolency of speech, as was not to be endured by a far meaner Assembly, much less to be countenanced by a House of Parliament, against the Body of Our Privy Council.

And as in this We did, what in reason and honour was fit for the present, so Our Thoughts were daily intentive upon the re-assembling of Our Parliament, with full intention, on Our part, to take away all ill-understanding between Us and Our People; whose loves, as We desire to continue and preserve, so We used Our best indeavours to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of Our Government, both in the Chuch and Common-wealth, and what things were most fit, and necessary to be reformed : We found, in the first place, that much exception had been taken at a Book, entituled, *Appello Cæarem*, or, *An Appeal to Cæsar*; and published in the year 1625. by Richard Montague, then Bachelor of Divinity, and now Bishop of Chichester; and because it did open the way to those Schisms and Divisions, which have since ensued in the Church, We did, for remedy and redress thereof, and for the satisfaction of the Consciences of Our good people, not only by Our publick Proclamation, call in that Book, which ministred matter of offence; but to prevent the like danger for hereafter, re-printed the Articles of Religion, established in the time of Queen Elizabeth of famous memory; and by a declaration before those Articles, We did tie and restrain all Opinions to the sense of those Articles, that nothing might be left for private fancies and invocations. For, We call God to record, before whom we stand, that it is, and always hath been, Our hearts desire, to be found worthy of that Title, which we account the most glorious in all Our Crown, *Defender of the Faith*. Neither shall We ever give way to the authorising of any thing, whereby any *Innovation* may steal or creep into the Church; but to preserve that unity of Doctrine and Discipline, established in the time of Queen Elizabeth, whereby the Church of England hath stood and flourished ever since.

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A And as We were careful to make up all breaches and rents in Religion at home, so did We, by Our Proclamation and Commandment, for the execution of Laws against Priests, and Popish Recusants, fortifie all ways and approaches against that forreign Enemy ; which if it have not succeeded according to Our intention, We must lay the fault where it is, in the subordinate Officers, and Ministers in the Countrey, by whose remissness Jesuits and Priests escape without apprehension ; and Recusants, from those convictions and penalties, which the Law and Our Commandment would have inflicted on them. For We do profess, That as it is Our duty, so it shall be Our care to command and direct well ; but it is the part of others to perform the ministerial Office. And when We have done Our Office, We shall account Our self, and all charitable men will account Us innocent, both to God and Men. And those that are negligent, We will esteem as culpable both to God and Us ; and therefore will expect, that hereafter they give Us a better account.

B And, as We have been careful for the settling of Religion, and quieting the Church ; so were We not unmindful of the preservation of the just and antient Liberties of Our Subjects, which We secured to them by Our gracious Answer to the Petition in Parliament, having not since that time done any act whereby to infringe them. But Our care is, and hereafter shall be, to keep them intire and inviolable, as We would do Our Own right and Sovereignty, having for that purpose enrolled the Petition and Answer in Our Courts of Justice.

C Next to the care of Religion, and of Our Subjects Rights, We did Our best for the provident and well-ordering of that aid and supply, which was granted Us the last Session, whereof no part hath been wastefully spent, nor put to any other use, than those for which it was desired and granted ; as, upon payment of Our Fleet and Army : wherein Our care hath been such, as We chose rather to discontent Our dearest Friends and Allies, and Our nearest Servants, than to leave Our Souldiers and Mariners unsatisfied, whereby any vexation or disquiet might arise to Our People. We have also, with part of those Monies, begun to supply Our Magazines, and Stores of Munition, and to put Our Navy into a constant form and order. Our Fleet likewise is fitting, and almost in a readines, whereby the Narrow Seas may be guarded, Commerce maintained, and Our Kingdom secured from all Forreign attempts. These acts of Ours might have made this impression in all good minds, that We were careful to direct Our Counsels, and dispose Our Actions, as might most conduce to the maintenance of Religion, honour of Our Government, and safety of Our People. But with mischievous men once ill-affected, *seu bene, seu male facta premunt* ; and whatsoever once seemed amiss, is ever remembered ; but good endeavours are never regarded.

D E F Now all these things that were the chief complaints the last Session, being by Our Principal care so seriously reform, the Parliament re-assembled the 20th. of January last. We expected, according to the candour and sincerity of Our own thoughts, that men would have framed themselves for the effecting of a right understanding between Us and Our People. But some few malevolent persons, like Empericks and lewd Artists, did strive to make new work, and to have some Disease on foot, to keep themselves in request, and to be employed and entertained in the cure. And yet to manifest how much offences have been

been diminished, The Committees for Grievances, Committees for Courts of Justice, and Committees for Trade, have, since the sitting down of the Parliament received few complaints, and those such, as they themselves have not thought to be of that moment or importance, with which our ears should be acquainted.

No sooner therefore was the Parliament set down, but these ill-affected men began to sow and disperse their jealousies, by casting out some glances and doubtful speeches, as if the Subject had not been so clearly and well dealt with, touching their liberties, and touching the Petition answered the last Parliament. This being a plausible Theam, thought on for an ill purpose, easily took hold on the minds of many, that knew not the practice. And thereupon the second day of the Parliament, a Committee was appointed to search, whether the Petition and Our Answer thereunto were enrolled in the Parliament-Roll, and in the Courts at *Westminster*, and in what manner the same was done. And a day also was then appointed, on which, the House being resolved into a Committee, should take into consideration those things, wherein the Liberty of the Subject had been invaded, against the Petition of Right. This, though it produced no other effect of moment or importance, yet was sufficient to raise a jealousy against Our Proceedings, in such as were not well acquainted with the sincerity and clearness of them. There followed another of no less skill; for although Our Proceeding, before the Parliament, about matters of Religion, might have satisfied any moderate men, of Our zealous care thereof, (as we are sure it did the most) yet, as bad stomachs turn the best things into their own nature, for want of good digestion; so those distemper'd persons have done the like of Our good intents, by a bad and sinister interpretation: For, when they did observe, that many honest and religious minds in that House, did complain of those dangers that did threaten the Church; they likewise took the same word in their mouth, and their cry likewise was, *Templum Domini, Templum Domini*, when the true care of the Church never came into their hearts: and what the one did out of zeal unto Religion, the other took up as a plausible Theam, to deprave Our Government, as if We, Our Clergy, and Council, were either sensless or careless of Religion. And this wicked practice hath been, to make us seem to walk before Our people, as if We halted before God.

Having, by these Artifices, made a jealous impression in the hearts of many; and a day being appointed to treat of the Grant of Tunnage and Poundage, at the time prefixed, all express great willingness to grant it. But a new strain is found out, that it could not be done, without great peril to the right of the Subject, unless we should disclaim any right therein, but by grant in Parliament; and should cause all those Goods to be restored, which, upon commandment from Us, or Our Council, were stayed by Our Officers, until those Duties were paid, and consequently should put Our selves out of the possession of the Tunnage and Poundage, before they were granted; for else, it was pretended, the Subject stood not in fit case to grant it. A fancy and cavil raised of purpose to trouble the business; it being evident, that all the Kings before named did receive that Duty, and were in actual possession of it, before, and at the very time, when it was granted to them by Parliament. And although We, to remove all difficulties, did from Our Own Mouth, in those clear and open terms, that might have satisfied

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fied any moderate and well-disposed minds, declare, That it was Our meaning, by the gift of Our people, to enjoy it, and that We did not challenge it of right, but took it *de bene esse*, shewing thereby, not the right, but the necessity, by which We were to take it, (wherein We descended, for their satisfaction, so far beneath Our Self, as We are confident, never any of Our Predecessors did the like, nor wasthe like ever required or expected from Them.) Yet for all this, the Bill of Tunnage and Poundage was laid aside, upon pretence, they must first clear the right of the Subject therein; under colour whereof, they entertain the complaints, not only of *John Rolles*, a Member of their House, but also of *Richard Chambers*, *John Fonkes*, and *Bartholomew Gilman*, against the Officers of Our Customs, for detaining their Goods, upon refusal to pay the ordinary Duty, accustomed to be paid for the same. And upon these complaints, they send for the Officers of the Customs, enforcing them to attend, day after day, by the space of a moneth together; they cause them to produce their Letters Patents under Our great Seal, and the Warrants made by Our Privy Council, for levying of those Duties. They examine the Officers upon what questions they please, thereby to entrap them for doing Our service and commandment. In these and other their proceedings, because we would not give the least shew of interruption, We endured long with much patience, both these, and sundry other strange and exorbitant incroachments and usurpations, such as were never before attempted in that House.

We are not ignorant, how much that House hath of late years endeavoured to extend their Priviledges, by setting up general Committees for Religion, for Courts of Justice, for Trade, and the like; a course never heard of until of late: So as, where in former times the Knights and Burgesses were wont to communicate to the House, such business as they brought from their Countries; now there are so many Chairs erected, to make inquiry upon all sorts of men, where complaints of all sorts are entertained, to the unsufferable disturbance and scandal of Justice and Goverment, which having been tolerated a while by Our Father, and Our Self, hath daily grown to more and more height; insomuch that young Lawyers sitting there, take upon them to decry the opinions of the Judges; and some have not doubted to maintain, That the resolutions of that House must bind the Judges, a thing never heard of in Ages past. But, in this last Assembly of Parliament, they have taken on them much more then ever before.

They sent messengers to examine Our Attorney General, (who is an Officer of trust and secrecy) touching the execution of some Commandments of Ours, of which, without Our leave first obtained, he was not to give account to any but Our Self. They sent a captious and directory message to the Lord Treasurer, Chancellor, and Barrons of the Exchequer, touching some judicial proceedings of theirs in Our Court of Exchequer.

They sent Messengers to examine upon sundry questions, Our two Chief Justices, and three other of Our Judges, touching their judicial proceedings at the Gaol-delivery at *Newgate*, of which, they are not accomptable to the House of Commons.

And whereas Suits were commenced in Our Court of Star-chamber, against *Richard Chambers*, *John Fonks*, *Bartholomew Gilman*, and *Richard Phillips*, by Our Attorney General, for great misdemeanours; they

they resolved, that they were to have priviledge of Parliament against Us for their persons, for noother cause, but because they had Petitions depending in that House; and (which is more strange) they resolved, that a Signification should be made from that House, by a Letter, to issue under the hand of their Speaker, unto the Lord Keeper of Our Great Seal, that no Attachments should be granted out against the said Chambers, Fowks, Gilman, or Philips, during the said priviledge of Parliament. Whereas it is far above the power of that House to give direction to any of Our Courts at Westminster, to stop Attechments against any man, though never so strongly priviledged; the breach of Privileg being not in the Court that grants, but in the Party or Minister that puts in execution such Attachments. And therefore, if any such Letter had come to the Lord Keeper, as it did not, he should have highly offended Us if he had obeyed it. Nay, they went so far, as they spared not the Honour of Our Council-board, but examined their proceedings in the case of Our Customers, interrogating what this or that man of our Council said, in direction of them in the busines committed to their charge. And when one of the Members of that House, speaking of Our Counsellers, said, We had wicked Counfel; and another said, That the Council and Judges sought to trample under feet the liberty of the Subject; and a third traduced Our Court of Star chamber, for the Sentence given against Savage, they passed without check or censure by the House. By which may appear, how far the Members of that House have of late swollen beyond the rules of moderation, and the modesty of former times; and this under pretence of priviledge and freedom of speech, whereby they take liberty to declare against all Authority of Council and Courts at their pleasure.

They sent for our Sheriff of London to examine him in a cause, whereof they had no jurisdiction; their true and ancient jurisdiction extending only to their own Members, and to the conservation of their priviledges, and not to the censurc of forreign persons and causes, which have no relation totheir priviledges, the same being but a late innovation. And yet upon an enforced strain of a Contempt, for not answering totheir satisfaction, they commit him to the Tower of London, using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutiful to Os and Our commandments, in the matter concerning Our Customs.

In these Innovations (which We will never permit again) they pretend indeed Our service; but their drift was, to break, by this means, through all respects and ligaments of Government, and to erect an universal over-swaying power to themselves, which belongs only to Us, and not to them.

Lastly, In their proceedings against Our Customers, they went about to censure them as Delinquents, and to punish them, for staying some Goods of some factious Merchants, in Our Store-house, for not paying those Duties which themselves had formerly paid, and which the Customers, without interruption, had received of all other Merchants, many years before, and to which they were authorised, both by Our Great Seal, and by several directions and commandments from Us and Our Privy Council.

To give some colour to their proceedings herein, they went about to

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- A to create a new Priviledge, (which We will never admit) That a Parliament-man hath priviledge for his goods against the King; the consequence whereof would be, That he may not be constrained to pay any Duties to the King, during the time of Priviledge of Parliament. It is true, they would have this case to have been between the Merchants, and Our Farmers of Our Customs, and have severed them from Our interest and commandment, thereby the rather to make them liable to the censure and punishment of that House. But on the other side, We holding it both unjust and dishonourable, to withdraw Our Self from Our Officers, in any thing they did by Our commandment, or to disavow any thing that We had enjoyned to be done; upon *Monday* the 23 of February, sent a Message unto them by Secretary Cook, thanking them for the respect they had shewed, in severing the interest of Our Farmers from Our Own interest and commandment. Nevertheless We were bound in honour to acknowledge a truth, that, what was done by them, was done by Our express commandment and direction; and if for doing thereof Our Farmers should suffer, it would highly concern Us in honour. Which Message was no sooner delivered unto them, but in a tumultuous and discontented manner, they called, *Adjourn, Adjourn*; and thereupon, without any cause given on Our part, in a very unusual manner, adjourned, until the *Wednesday* following.
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C On which day by the uniform wisdom of Our Privy Council, We caused both Houses to be adjourned until the second day of *March*; hoping that in the mean time, a better and more right understanding might be begotten between Us, and the Members of that House, whereby the Parliament might come to an happy issue.

D But understanding by good advertisement, that their discontent did not in that time digest, and pass away; We resolved to make a second adjournment untill the tenth of *March*; which was done, as well to take time to Our Self, to think of some means to accommodate those difficulties, as to give them time to advise better; and accordingly, We gave commandment for a second adjournment in both Houses, and for cessation of all busines till the day appointed; which was very dutifully obeyed in the Higher House, no man contradicting or questioning it. But when the same commandment was delivered in the House of Commons by their Speaker, it was straightways contradicted; and although the Speaker declared unto them, it was an absolute right and power in Us to adjourn, as well as to prorogue or dissolve; and declared and read unto them divers Presidents of that House, to warrant the same; yet Our commandments was most contemptuously disobeyed; and some rising up to speak, said, They had busines to do before the House should be adjourned.\*

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F Whilst the Duke of *Buckingham* lived, he was intituled to all the distempers and ill events of former Parliaments; and therefore much endeavour was used to demolish him, as the only wall of separation between Us and Our People. But now he is dead, no alteration was found amongst those envenomed spirits, which troubled then the blessed harmony between Us and Our Subjects, and continue still to trouble it. For now under the pretence of publick care of the Commonwealth, they suggest new and causless fears, which in their own hearts they know to be false; and devise new Engines of mischief, so to cast a blindnes upon the good affections of Our People, that they

\* Here are the passages concerning the Members deportment in the House, mentioned in this Declaration which we forbear to repeat, in regard the same are at large expressed in the Information in the Star-Chamber, before-mentioned.

may not see the truth, and largeness of Our heart toward them. So that now it is manifest, the Duke was not alone the mark these men shot at, but was only as a near Minister of Ours, taken up, on the By, and in their passage to their more secret designs; which were only to cast Our affairs into a desperate condition, to abate the powers of Our Crown, and to bring Our Government into obloquy; that, in the end, all things may be overwhelmed with Anarchy and confusion.

We do not impute these disasters to the whole House of Commons, knowing that there were amongst them many Religious, grave, and well-minded men; but the sincerer and better part of the House was over-born, by the practices and clamours of the other, who, careless of their duties, and taking advantage of the times, and Our necessities, have enforced Us to break off this Meeting; which, had it been answered with like duty on their parts, as it was invited and begun with love on Ours, might have proved happy and glorious, both to Us and this whole Nation.

We have thus declared the manifold causes We had, to dissolve this Parliament, whereby all the world may see, how much they have forgotten their former engagements at the entry into the War, themselves being persuaders to it; promising to make Us feared by Our enemies, and esteemed by Our friends. And how they turned the necessities grown by that War, to enforce Us to yield to Conditions incompatible with Monarchy.

And now that Our People may discern, that these provocations of evil men (whose punishments We reserve to a due time) have not changed Our good intentions to Our Subjects, We do here profess to maintain the true Religion and Doctrine, established in the Church of *England*, without admitting or conniving at any back-sliding, either to Popery or Schism. We do also declare, That We will maintain the antient and just Rights and Liberties of Our Subjects, with so much constancy and justice, that they shall have cause to acknowledge, That under Our government and gratis protection, they live in a more happy and free estate, than any Subjects in the Christian world. Yet let no man hereby take the boldness to abuse that liberty, turning it to licentiousnes; nor misinterpret the Petition, by perverting it to a lawless liberty, wantonly or frowardly, under that or any other colour, to resist lawful and necessary Authority. For as we will maintain Our Subjects in their just liberties, so We do and will expect, that they yield as much submission and duty to Our Royal Prerogatives, and as ready obedience to Our Authority and Commandments, as hath been performed to the greatest of Our Predecessors.

And for Our Ministers, We will not that they be terrified by those harsh proceedings, that have been strained against some of them. For, as we will not command any thing unjust or dishonourable, but shall use Our Authority and Prerogatives for the good of Our People; so We will expect, that Our Ministers obey Us, and they shall assure themselves, We will protect them.

As for Our Merchants, We let them know, We shall always endeavour to cherish and enlarge the Trade of such as be dutiful, without burthening them beyond what is fitting: but the Duty of Five in the Hundred, for guarding of the Seas, and defence of the Realm, to which We hold Our Selves still obliged, (and which Duty hath continued without interruption so many succession of Ages) We hold

A no good or dutiful Subject will deny it, being so necessary for the good of the whole Kingdom. And if any factious Merchant will affront Us, in a thing so reasonable, and wherein We require no more, nor in no other manner, than so many of Our Predecessors have done, and have been dutifully obey'd: Let them not deceive themselves, but be assured, that We shall find honourable and just means to support Our Estate, Vindicate Our Sovereignty, and preserve the Authority which God hath put into Our Hands.

B And now having laid down the truth and clearness of Our proceedings, all wise and discreet men may easily judge of those rumours, and jealous fears, that are maliciously and wickedly bruited abroad; and may discern, by examination of their own hearts, whether (in respect of the free passage of the Gospel, indifferent and equal administration of Justice, freedom from oppression, and the great peace and quietness which every man enjoyeth under his Own Vine and Fig-tree) the happiness of this Nation can be parallel'd, by any of Our Neighbour-Countries; and if not, then to acknowledge their own blessedness, and for the same be thankful to God, the Author of all goodness.

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*A Proposition for his Majesties Service, to bridle  
the Impertinency of Parliaments. Afterwards  
questioned in the Star-chamber.*

A Proposition  
presented to  
the King, how  
to keep in awe  
this Nation.

First, to have  
a Fortres in  
every confide-  
rable Town.

The Proposition for your Majesties service containeth two parts: the one, to secure your State, and to bridle the impertinency of Parliaments: the other, to increase your Majesties Revenue, much more than it is. Touching the first, having considered divers means, I find none so important, to strengthen your Majesties Regal authority, against all oppositions and practises of troublesome spirits, and to bridle them, than to fortifie your Kingdom, by having a Fortress in every chief Town, and important place thereof, furnished with Ordnance, Munition, and faithful men, as they ought to be, with aliother circumstances fit for to be digested in a busines of this nature; ordering withal, the Trained Souldiers of the Country to be united in one dependency with the said Fort, as well to secure their beginning, as to succour them in any occasion of suspect; and also to retain and keep their Arms for more security, whereby the Countries are no less to be brought in Subjection, than the Cities themselves, and consequently the whole Kingdom; your Majesty having by this course the power thereof in your own hands. The reasons of the suggets are these. 1. That in policy, it is a greater tie of the Pepole by force and necessity, than meerly by love and affection; for by the one, the Government resteth always secure; but by the other, no longer then the people are contented. 2. It forceth obstinate subjects to be no more presumptuous, than it pleaseth your Majesty to permit them. 3. That to leave a State unfurnished, is, to give the Bridle thereof to the Subject; when, by the contrary, it resteth only in the Prince's hands. 4. That modern Fortresses take long time in winning, with such charge and difficulty, as no Subjects in these times have means propable to attempt them. 5. That it is a sure remedy against Rebellions, and popular Mutinies, or against Forreign Powers; because they cannot well succeed: when by this course the apparent means is taken away, to force the King and Subject upon a doubtful fortune of a set Battel, as was the cause, that moved the pretended invasion against the Land, attempted by the King of Spain in the year 1588. 6. That your Majesties Government is the more secure, by the People's more subjection; and by their subjection, your Parliament must be forced consequently to alter their stye, and to be conformable to your will and pleasure; for their words and opposition import nothing, where the power is in your Majesties own hands, to do with them what you please; being indeed the chief purpose of this discourse, and the secret intent thereof, fit to be concealed from any English at all, either Counsellors of State, or other.

For these, and divers other weighty reasons, it may be considered in this place, to make your Majesty more powerful and strong, some orders be observed, that are used in fortified Countries, the government whereof imports as much as the States themselves, I mean, in times of doubt or suspect, which are these. *Imprimis*, That none wear Arms or Weapons at all, either in City or Countrey, but such as your Majesty may think fit to priviledge, and they to be enrolled.

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2. That as many High-ways as conveniently may be done, be made passable through those Cities and Towns fortified, to constrain the passengers to travel through them. 3. That the Souldiers of Fortresses be sometimes chosen of another Nation, if subject to the same Prince; but howsoever, not to be born in the same Province, or within forty or fifty miles of the Fortreses, and not to have friends or correspondence near it. 4. That all the Gates of each walled Town be appointed Officers, not to suffer any unknown passengers to pass by, without a Ticket, shewing from whence he came, and whether to go. And that the Gates of each City be shut all night, and keys kept by the Mayor or Governour. 5. Also Inn-keepers to deliver the names of all unknown passengers that lodge in their houses; and if they stay suspitiously at any time, to present them to the Governour: whereby dangerous persons seeing these strict courses, will be more wary of their actions, and thereby mischievous attempts will be prevented. All which being referred to your Majesties wise consideration, it is meet for me withal to give you some satisfaction, of the charge and time to perform what is purposed, that you may not be discouraged in the difficulty of the one, or prolongation of the other; both which doubts are resolved in one and the same reason, in respect that in *England*, each chief Town commonly hath a ruined Castle, well seated for strength, whose foundation and stones remaining, may be both quickly repaired for this use, and with little charge and industry made strong enough, I hope, for this purpose, within the space of one year; by adding withal Bulwarks and Rampires for the Ordnance, according to the Rules of Fortification. The Ordnance for these Forts may be of Iron, not to disfurnish your Majesties Navy, or be at a greater charge than is needful.

To maintain yearly the Fort, I make account an ordinary pay, three thousand men will be sufficient, and will require forty thousand pound charge *per annum*, or thereabouts, being an expence that inferior Princes undergo, for their necessary safety.

All which prevention, added to the invincible Sea-force your Majesty hath already, and may have, will make you the most powerful and obeyed King of the world. Which I could likewise confirm by many examples, but I omit them for brevity, and not to confuse your Majesty with too much matter.

Your Majesty may find by the scope of this discourse, the means shewed in general to bridle your Subjects, that may be either discontent or obstinate. So likewise am I to conclude the same intent particularly, against the perverseness of your Parliament, as well to suppress that pernicious humour, as to avoid their oppositions against your profit, being the second part to be discoursed on: and therefore have first thought fit, for better prevention thereof, to make known to your Majesty the purpose of a general Oath your Subjects may take, for sure avoiding of all rubs, that may hinder the conclusion of these businesses. It is further meant, that no Subject upon pain of high Treason, may refuse the same Oath, containing only matter of Allegiance, and not scruples in points of Conscience, that may give pretence not to be denied.

The effect of the Oath is this, That all your Majesties Subjects do acknowledge you, to be as absolute a King and Monarch within your Dominions, as is amongst the Christian Princes; and your Prerogative as great: whereby you may and shall of your self, by your Majesties Proclamation, as well as other Sovereign Princes doing the like,

Secondly, To cause High-ways to be made through such Towns.  
Thirdly, To choose the Souldiers of such Fortresses, no Inhabitants of the place.

Fourthly, To let none pass through such places without a Ticket.  
Fifthly, To have the names of all Lodgers taken by all Inn-keepers.

The expence of these Forts.

To impose an Oath upon the Subjects.

like, either make Laws, or reverse any made, with any other Act, so great a Monarch as your self may do, and that without further consent of a Parliament, or need to call them at all in such cases; considering, that the Parliament in all matters, excepting causes to be sentenced as the highest Court, ought to be subject unto your Majesties will, to give the negative or affirmative conclusion, and not to be constrained by their impertinencies to any inconvenience, appertaining to your Majesties Regal Authority; and this, notwithstanding any bad pretence or custom to the contrary in practice, which indeed were fitter to be offered a Prince elected, without other right, than to your Majesty, born successively King of *England, Scotland, and Ireland*, and your Heirs for ever; and so received, not only of your Subjects, but also of the whole world. How necessary the dangerous supremacy of Parliaments usurpation is to be prevented, the example of *Lewes* the Eleventh King of *France*, doth manifest, who found the like opposition as your Majesty doth, and by his wisdom suppressed it. And, to the purpose here intended, which is not to put down altogether Parliaments and their Authority, being in many cases very necessary and fit; but to abridge them so far, as they seek to derogate from your Majesties Regal Authority, and advancement of your greatness. The caution in offering the aforesaid Oath, may require some policy, for the easier passage at first, either by singular or particular tractaction; and that so near about one time over the Land, as one Government may not know what the other intendeth; so it may pass the easier, by having no time of combination or opposition. There is another means also more certain than this, to bring to pass the Oath more easily, as also your profit, and what else pretended; which here I omit for brevity, requiring a long discourse by it self, and have set it down in particular instructions to inform your Majesty.

2. The second part of this Discourse is, touching your Majestie's Profit, after your State is secured: Wherein I should observe both some reasonable content to the People, as also consider the great expences that Princes have now adays, more than in times past, to maintain their greatness and safety of their Subjects, who, if they have not wit or will to consider their own interest so much indifferently, your Majesties wisdom must repair their defects, and force them to it by compulsion; but I hope there shall be no such cause, in points so reasonable, to increase your Majesties Revenue, wherein I set down divers means for your gracious Self to make choice of, either all or part at your pleasure, and to put it in execution by such degrees and cautions as your great wisdom shall think fit in a busines of this nature.

*Imprimis*, The first means or course intended to increase your Majesties Revenues or Profits withal, is of greatest consequence, and I call it a *Decimation*, being so termed in *Italy*, where in some part it is in use, importing the Tenth of all Subjects Estates, to be paid as a yearly rent to their Prince, and as well monied men in Towns, as landed men in the Countries, their value and estates esteemed justly as it is to the true value, though with reason; and this paid yearly in Money: Which course applied in *England* for your Majesties service, may serve instead of Subsidies, Fifteens, and such like, which in this case are fit to be released, for the Subjects benefit and content, in recompence of the said *Decima*, which will yield your Majestymore in certainty, than they do casually by five hundred thousand pounds *per annum* at

Means to increase the King's Revenues  
1. To demand a *Decima* of mens estates.

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- at the least. *Item*, That when your Majesty hath gotten money into your hands by some courses to be set down, it would be a profitable course to encrease your *Entrails*, to buy out all Estates and Leases upon your own Lands, in such sort, as they be made no losers; whereby having your Lands free, and renting it out to the true value, as it is most in use, and not employed as heretofore, at an old Rent, and small Fines, you may then rent it out for at least four or five times more mony, then the old Rent comes unto. So as if your Majesties Lands be already but sixty thousand pounds *per annum*, by this course it will be augmented at the least to two hundred thousand pounds *per Annum*; and to buy out the Tenants estates will come to a small matter by the course to make them no losers, considering the gain they have already made upon the Land: And this is the rather to be done, and the present course changed, because it hath been a custom used meerly to couisen the King. *Item*, Whereas most Princes do receive the benefit of Salt in their own hands, as a matter of great profit, because they receive it at the lowest price possible, and vent it at double gain yearly; the same course used by your Majesty, were worth at least one hundred and fifty thousand pounds *per annum*. It is likewise in other parts that all Weights and Measures of the Land, either in private Houscs, Shops, or publick Markets, should be viewed to be just, and sealed once a year, payng to the Prince for it; which in *England*, applied to your Majesty, with order to pay six-pence for the sealing of each said Weight or Measure, would yield near sixty thousand pounds *per annum*. *Item*, Though all Countries pay a *Gabella*, for transportation of Cloth, and so likewise in *England*; yet in *Spain* there is Impost upon the Woolls, which in *England* is so great a wealth and benefit to the Ship-Masters, as they may well pay you five pound *per cent.* of the true value at the Shearing, which I conceive may be worth one hundred and forty thousand pounds *per Annum*. *Item*, Whereas the Lawyers Fees and gains in *England* be excessive, to your Subjects prejudice; it were better for your Majesty to make use thereof, and impose on all Causes sentenced with the party, to pay five pound *per cent.* of the true value that the Cause hath gained him; and for recompence thereof, to limit all Lawyers Fees and gettings, whereby the Subject shall save more in Fees and Charges, then he giveth to your Majesty in the *Gabella*, which I believe may be worth, one year with another, fifty thousand pounds. *Item*, Whereas the Inns and Victualling-houses in *England* are more chargeable to the Travellers, then in other Countries, it were good for your Majesty to limit them to certain Ordinaries, and raise besides a large Imposition, as is used in *Tuscany*, and other parts; that is, a prohibiting all Inns and Victualling-houses, but such as shall pay it; and to impose upon the chief Inns and Taverns, to pay ten pounds a years to your Majestie, and the worst five pounds *per Annum*, and all Ale-houses twenty shillings *per Annum*, more or less, as they are in custom. Of all sorts there are so many in *England*, that this impost may well yield one hundred thousand pounds *per Annum* to your Majesty. *Item*, in *Tuscany*, and other parts, there is a *Gabella* of all Cattle, or Flesh, and Horses sold in Markets, paying three or four *per cent.* of what they are sold for, which by conjecture may be worth in *England*, two hundred thousand pounds *per Annum*; using the like Custom upon Fish, and other Victuals, (Bread excepted) and for this cause, Flesh, and Fish, and Victuals in the Markets
2. To buy out all Leases upon the Crown-Lands.
3. To take the Salt into his Majesties own hands.
4. To demand a rate for Sealing the Weights every year.
5. To demand an Impost for Woolls.
6. To put a Tax upon every Lawyers Fee.
7. to put a Tax upon Inns and Victualling-houses for a Liceate.
8. To put a Tax upon all Cattle, Flesh, and Horses sold in the Market.

o. To put a Tax upon all Lands alienated.

Markets to be prised and sold by weight, whereby the Subject saveth more in not being counseled, than the Imposition impaireth them. Item, In *Tusky* is used a Taxation of seven per cent. upon all alienation of Lands to the true value. As also seven per cent. upon all Dowries, or Marriage-Monies. The like, if it be justly used in *England*, were worth at least one hundred thousand pounds *p.r. Annum*; with many other Taxations upon Meal, and upon all Merchandises in all Towns as well as Port-Towns, which here I omit, with divers others, as not so fit for *England*. And in satisfaction of the Subject for these Taxes, your Majesty may be pleased to release them of Wardships, and to enjoy all their estates at eighteen years old; and in the mean time, their profits to be preserved for their own benefit. And also in forfeitures of Estate by condemnation, your Majesty may release the Subject, as not to take the forfeiture of their Lands, but their Goods, High-Treason only excepted; and to allow the Counsel of Lawyers in case of life and death; as also not to be condemned without two Witnesses, with such like benefit, which importeth much more their good, than all the Taxations named can prejudice them. Item, Some of the former Taxations, used in *Ireland* and in *Scotland*, as may easily be brought about by the first example thereto used in *England*, may very well be made to increase your Revenue there, more then it is, by two hundred thousand pounds *per Annum*.

10. To demand a rate upon all Offices in his Majesties grant.

Item. All Offices in the Land, great and small, in your Majesties grant, may be granted, with condition, to pay you a part yearly, according to the value: This in time may be worth (as I conceive) one hundred thousand pounds *per Annum*: adding also Notaries, Attorneys, and such like, to pay some proportion yearly towards it, for being allowed by your Majesty to practise, and prohibiting else any to practise in such places.

11. To reduce his Majesties Household to Board-wages.

Item, To reduce your Majesties Household to Board-wages, as most other Princes do, reserving some few Tables; this will save your Majesty sixty thousand pounds *per Annum*, and ease greatly the Subject besides, both in Carriages and Provision, which is a good reason, that your Majesty in honour might do it. Item, I know an assured course in your Majesties Navy, which may save at least forty thousand pounds *per annum*, which requiring a whole Discourse by it self, I omit; only promise you to do it, whensoever you command.

12. To demand a rate for license to eat *Laticinia*.

Item, Whereas your Majesties Laws do command the strict keeping of Fasting-days, you may also prohibit on those days to eat Eggs, Cheese, and White-meats, but only such as are contented to pay eighteenpence a year, for the liberty to eat them, and the better sort ten shillings. The employment of this may be for the defence of the Land, in maintaining the Navy, Garrisons, and such like, much after the fashion of a *Crusado* in *Spain*, as your Majesty knoweth, being first begun there, under the pretence to defend the Land against the Moors. And the same used in *England*, as aforesaid, may very well yield, one year with another, one hundred thousand pounds, without any disgust to any, because it is at every ones choice to give it or no. Lastly, I have a course upon the Catholicks, and very safe for your Majesty, being with their good liking, as it may be wrought, to yield you presently at least two hundred thousand pounds *per Annum*, by raising a certain value upon their Lands, and some other Impositions; which requiring a long Discourse by it self, I will omit it here, setting it

13. To take an Imposition upon the Catholicks Lands.

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- it down in my Instructions ; it will save your Majesty at least One hundred thousand pound *per annum*, to make it pain of death, and confiscation of goods and lands for any of the Officers to cousen You, which now is much to be feared they do, or else they could not be so rich ; and herein to allow a fourth part benefit to those that shall find out the couseenage. Hereis not meant Officers of State, as the Lord Treasurer, &c. being Officers of the Crown. The sum of all this account amounteth unto two Millions, or Twenty hundred thousand pounds *per annum* : suppose it to be but one Million and an half, as assuredly your Majesty may make, by these courses set down, yet it is much more than I promised in my Letter for your Majesties service. Besides, some sums of Money in present, by the courses following : *Imprimis*, By the Prince's Marriage, to make all the Earls in *England* Grandees of *Spain*, and *Principi*, with such like priviledes, and to pay Twenty thousand pounds apiece for it. As also, if you make them Fœditaries of the Towns belonging to their Earldoms, if they will pay for it besides, as they do to the King of *Spain* in the Kingdom of *Naples*. And so likewise Barons to be made Earls and Peers, to pay nineteen thousand pounds apiece, I think might yield Five hundred thousand pounds, and oblig them more sure to his Majesty. 3. To make choice of two hundred of the richest men of *England* in estate, that be not Noblemen, and make them Titulate, as is used in *Naples*, and paying for it ; that is, a Duke Thirty thousand pounds, a Marquis Fifteen thousand pounds, an Earl Ten thousand pounds, and a Baron or Viscount Five thousand pounds. It is to be understood, that the ancient Nobility of Barons made Earls are to precede these as Peers, though these be made Marquisses or Dukes ; this may raise a Million of pounds and more unto your Majesty. To make Gentlemen of low quality, and Franklins, and rich Farmers, Esquires, to precede them, would yield your Majesty a' so a great sum of Money in present. I know another course to yield your Majesty at least three hundred thousand pounds in Money, which as yet the time serveth not to discover, untill your Majesty be resolved to proceed in some of the former courses, which till then I omit. Other courses also, that may make present Money, I shall study for your Majesties service, and, as I find them out, acquaint you withal. Lastly, to conclude all these discourses, by the application of this course used for your profit, That it is not only the means to make you the richest King that ever *England* had, but also the safety augmented thereby to be most secure, besides what shewed in the first part of this discourse ; I mean, by the occasion of this Taxation, and raising of Monies, your Majesty shall have cause and means to employ in all places of the Land so many Officers and Ministers, to be obliged to you for their own good and Interest, as nothing can be attempted against your Person, or Royal State, over Land, but some of them shall, in all probability, have means to find it out, and hinder it. Besides, this course will detect many disorders and abuses in the publick Government, which were hard to be discovered by men indifferent, To prohibit gorgeous and costly apparel to be worn, but by persons of good quality, shall save the Gentry of the Kingdom much more Money, than they shall be taxed to pay unto your Majesty. Thus withal I take my leave, and kiss your gracious hands, desiring pardon for my error I may commit herein.

At the Prince,  
his Marriage  
to make Earls  
in *Principi*,  
and to pay for  
it.

And Barons to  
be made Earls.

To make 200  
rich men Ti-  
tulate, and  
they to pay  
for the Titles.

To make Gen-  
tlemen of low  
quality, and  
rich Farmers,  
Esquires.

## Pasch. 5. Caroli Regis. B. R.

The Reports of the following Arguments were taken  
by Mr. Widdrington of Grays-Inn.

Mr. Stroud  
Esq; brought  
to the Kings-  
Bench-Bar,  
upon a Habeas  
Corpus.

**U**pon the Habeas Corpus out of this Court, to bring here the body of one William Stroud Esq; with the cause of his imprisonment, to the Marshal of the Kings Bench, it was returned in this manner: That William Stroud Esq; was committed under my custody, by virtue of a certain Warrant under the hands of twelve Lords of the Privy Council of the Lord the King; the tenour of which Warrant followeth in these words.

You are to take knowledge, That it is his Majesties express pleasure and commandment, that you take into your custody the body of William Stroud Esq; and keep him close prisoner, until you shall receive other order, either from his Majesty, or his Board; for so doing this shall be your Warrant. Dated the 2d. of April, 1629. And the direction thereof was, To the Marshal of the King's Bench, or his Deputy. He is likewise held in prison by virtue of a certain Warrant, under the hand of the King himself, the tenour of which Warrant followeth in these words. *Corolus Rex.* Whereas you have in your custody the body of William Stroud Esq; committed by the Lords of Our Privy Council, by Our special command, you are to take notice, that his commitment was for notable contempts by him committed against Our self, and Our Government, and for stirring up of Sedition against Us: For which you are to detain him in your custody, and keep him close prisoner, until Our pleasure be further known concerning his deliverance. Given at Greenwich the 7th. of May, 1629. in the 5th. year of Our Reign. And the direction was, To Our Marshal for our Bench for the time being. And these are the causes of the taking and detaining of theforesaid William Stroud, ac.

And upon another Habeas Corpus to the Marshal of the Household, to have the body of Walter Long Esq; he made the same Return as above.

Also Walter  
Long. Esq.

Ask of the Inner Temple, of Counsel with Mr. Stroud, moved, That the Return was insufficient. The Return consists upon two Warrants, bearing several Dates, which are the causes of the taking and detaining of the Prisoner. For the first Warrant, which is of the Lords of the Council, that is insufficient; because no cause is shewn of his commitment, which is expressly against the resolution of the Parliament, and their Petition of Right, in the time of this King which now is, to which he had likewise given his assent; so his taking by virtue of the said Warrant is wrongful. And for the second Warrant, it is insufficient also, and that notwithstanding that it be the King's own; for, the King himself cannot imprison any man, as our Books are, to wit, 16 H. 6. F. Monstrance de faits. 1. H. 7. 4. Hussey reports it to be the opinion of Markham, in the time of Edw. 4. and Fortescue in his Book, *de laudibus Legum Angliae*, cap. 18. And the reason given, is, because no action of false imprisonment lies against the King, if the imprisonment be wrongful; and the King cannot be a wrong doer. The Statute of Magna Charta is That no free-man be impre-

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imprisoned, but by the Law of the Land. And it appears by these Books, that it is against the Law of the Land that the King should imprison any one.

2. Admit that this be only a signification and notification given by the King himself, of the commitment of the Prisoner; yet it seems that that signification is of no force, 1. Because the words are general and uncertain, — for notable contempts — There are in the Law many contempts of several natures; there are contempts against the Common Law, against the Statute Law; contempts in words, gestures, or actions. And it appears not to the Court of what nature these contempts were. — Notable — Every contempt which is made to the King is notable. — Against Our Government — Contempt which is committed in a Court of Record or Chancery, is a contempt against the Government of the King, to wit, because they disobey the King when he commands them by his Writs, C. 8. 60. a Beechers Case. The last words of

A the Return are, — For stirring up of Sedition against us — which words likewise are indefinite and general. I find not the word [Sedition] in our Books, but taken adjectively, as, seditious Books, seditious News, &c. in the Statute of 1st. and 2d. Phil. and Mary, cap. 3. the words are, If any person shall be convicted, &c. for speaking &c. any false, seditious, or slanderous news, saying of the tales of the Queen, &c. he shall loose his Ears, or pay 100l. There the penalty imposed upon such sedition is but a Fine, C. 4. Lord Cromwel's case 13. where

B C sedition is defined to be *seorsum itio*, when a man takes a course of his own. And there it is sad, that the words, — maintain sedition against the Queens proceedings — shall be expounded according to the coherence of all the words, and the intent of the parties. So that it is plain, that there is a sedition that is only Fineable, and which is no cause of imprisonment without Bail: And what the sedition is that is here intended, cannot be gathered out of the words, they are so general. — against Us — those words are redundant, for every sedition

D is against the King.

Upon the generality and uncertainty of all the words in the Return, he puts these Cases, 18 E. 3. A man was indicted, *quia furatus est equum*, and doth not say *Felonice*, and therefore ill, 29 Ass. 45. A man was indicted that he was *communis latro*, and the Indictment held *viceous*, because too general. So here the offences are returned generally. But there ought to be something individual, C. 5. 57. Specot's Case, *quia schismaticus inveteratus*, is no good cause for the Bishop to refuse a

E Clerk, for it is too general, and there are schisms of divers kinds, 38 E. 3. 2. Because the Clerk is *criminosus*, it is no good cause for the Bishop to refuse him, 8. and 9 Eliz. Dy. 254. The Bishop of N. refuseth one, because he was a *hunter of Taverns*, &c. for which, and divers other crimes, he was unfit, held, that the last words are too general and uncertain, 40 E. 3. 6. In the tender of a Marriage, and refusal of the Heir, he ought to alledge a certain cause of refusal, whereupon issue may be taken. C. 8. 68. Trallop's Case: to say, That the Plaintiff is excommunicated for divers contumacies, shall not disable him, without shewing some cause in special of the excommunication, upon which the Court may judge whether it were just or no. So here. And he concluded with a Case that was resolved, Hill. 33. Eliz. Peak and Paul the Defendants said of the Plaintiff, Thou art a mutinous and

F seditions

sedition's man, and maintains sedition against the Queen; and the words adjudged not actionable.

Mr. Mason of  
Lincoln's-Inn,  
his Argument  
for Mr. Long

Mason of Lincolns-Inn, of Council with Mr. Long, moved also, That the Return was insufficient. For the first Warrant, That he was committed by Command of the King, signified by the Privy Council, I will not argue that, because it was claimed as an ancient Right pertaining to the Subject, in the Petition of Right, whereto the King himself hath given his consent. For the second Warrant, the Return is, —— for stirring up Sedition against Us and Our Government. Sedition is not any determined offence within our Law; our Law gives definition or descriptions of other offences, to wit, of Treason, Murder, Felony, &c. but there is no crime in our Law called Sedition. It is defined by a Civilian to be Seditio, or Secessio, cum pars Reipublicæ contra partem insurget; so that Sedition is nothing but Division. Bracton and Glanvil have the word [Seditio] generally. Before the Statute of 25 E. 3. cap. 2. it was not clear enough what thing was Treason, what not; by which Statute it is declared what shall be said Treason, and that the Judges shall not declare any thing to be Treason, that is not contained within the said Statute, but it shall be declared only by Parliament. And that Statute speaks not of Sedition, nor the Statute of 1 H. 4. cap. 10. which makes some things Treason, which are not contained within the said Statute of 25 E. 3. The Statute of 1 E. 6. cap. 12. takes away all intercurrent Statutes, which declared new Treasons; and the said Act declares other things to be Treason, but mentions not Sedition. Sedition is the quality of an offence, and is oftentimes taken Adverbially, or adjectively. To raise tumults or trespasses is Sedition, Trin. 21 E. 3. rot. 23. B. R. Garbett's Case, A man was indicted, because in the high street he took J. S. there, being in hostile manner, and usurped over him Royal power, which is manifest Sedition; and there it was but an Indictment of Trespass. Mich. 20. E. 1. rot. 27. One that was Surveyor of the Wood-work for the King, was indicted for stealing of Timber, and detaining Wages, (ridding Carpenters Wages) by one that was but a Boy; and this is there termed Sedition, and yet it was but a petty Felony, Mich. 42 E. 3. rot. 65. B. R. R. Pope was appealed by the Wife of J. S. because he feloniously and seditiously murdered J. S. and [Seditiously] was there put in, because it was done privily. By which cases it appears, that Sedition is not taken as a Substantive, so that it may be applied to Treason, Trespass, or other Offences. By the Statute of 2 H. 4. cap. 15. there is a punishment inflicted for the raising of seditious Doctrine, and yet no punishment could have been inflicted for it until the said Statute; and yet it was seditious, as well before the said Statute as after. And this appears also by the Statute of 1 and 2 of Phil. and Mar. cap. 3. which hath been cited. The Statute 13 Eliz. cap. 2. recites, that divers seditious and evil disposed persons, &c. obtained Bulls of Reconciliation from the Pope, which offence was made Treason by the said Statute, (for it was not before, and yet there was sedition) and by the said Statute, the aiders and abettors are but in the case of Premunire. By the Statute of 13 Eliz. cap. 1. for the avoiding of contentious and seditious Titles to the Crown, it is Enacted by the said Statute, That he that shall declare the Successor of the

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the King shall forfeit the moiety of his Goods, &c. so that the said offence, although it be sedition, is not Treason by the Common Law, nor is made Treason by the Statute of 25 E. 3. nor by the Statute of 13 Eliz. By the Statute of 23 Eliz. cap. 2. he that speaks seditious or slanderous news of the Queen, shall loose his ears, or pay 20 l. and the second offender is made Felony. The Statute of 35 Eliz. cap. 1. is against seditious Sectaries, which absent themselves from the Church; they are to be punished 10 l. by the moneth. Out of all which Statutes it may be collected, that the word [Sedition] is taken variously, according to the Subject in hand. And C. 4. Lord Cromwel's case [Seditious] is referred to Doctrine. There are offences more high in their nature than Sedition, which were not Treason, unless so declared by act of Parliament. Every Rebellious Act is Sedition, yet if such acts be not within the Statute of 25 Ed. 3. they are not Treason. 17 R. 2. cap. 8. Insurrection of Villains and others is made Treason, which proves, that before this Act it was not Treason. And this Act of 17 R. 2. is repealed by the Statute of 1 H. 4. By the Statute of 2 and 4 E. 6. cap. 5. to assemble people to alter the Laws, is made Treason, if they continue together an hour after Proclamation made. This Assembly of People was sedition at the Common Law; and the very Assembly, if they after dissolve upon Proclamation made, is not Treason by the said Statute. By the Statute of 14 Eliz. cap. 1. it is made Felony, maliciously and rebelliously to hold from the Queen any Castles, &c. but because this relates not to the Statute of 25 E. 3. it is not Treason. 2. It seems clearly, that this Case is within the Petition of Right, in which Magna Charta, and the Statutes of 25 and 28 E. 3. are recited. The grievance there was, that divers have been imprisoned without any cause shewed, to which they might make answer according to the Law. And upon this Return nothing appears to be objected to which he might answer. It appears not what that Act, which is called Sedition, was. This is the very grief intended to be remedied by this Statute: To this he cannot answer according to Law. It appears not whether this were a seditious Act, Trespass; or Slander, or what it was at all. The words are, — Sedition against the King — — This helps not, for every offence is against the King, against his Crown and Dignity; that which disturbs the Commonwealth is against the King, seditious Doctrine is sedition against the King, as is before said. In 28 H. 6. vide Prostrat. fol. 19. the Lords and Commons desire the King, that William de la Pool may be committed for divers Treasons, and sundry other heinous Crimes; and the Petition held not good, because too general: Whereupon they exhibit particular Articles against him. And therefore upon the whole matter he concluded and prayed, that Mr. Long might be discharged from his imprisonment.

F On another day, Barckley and Davenport, the Kings Sergeants argued for the King, that this Return was sufficient in Law to detain them in prison. Barckley began, and said, That the Case is new, and of great weight and consequence, and yet, under favour, the Prerogative of the King, and the Liberty of the Subject, are not mainly touched therein; for the Case is not so general as it hath been made, but particular upon this particular Return. The Liberty of the Subject is a tender

Sergeants,  
Barckley his  
Argument  
against Sme  
and Long.

a tender point, the right whereof is great, just, and inviolable. The Prerogative of the King is an high point, to which every Subject ought to submit. I intend not to make any discourse of the one or the other, I will onely remember what the King hath determined upon them both, in his Speech which he made upon the Petition of Right, to wit, That the Peoples Liberties strengthen the Kings Prerogative ; and that the Kings Prerogative is to defend the Peoples Liberties. This may settle the hearts of the People concerning their Liberty. The way which I intend to treat in my Argument, is, to answer to the objections and reasons which have been made, and to give some reasons, whereby this Return shall be sufficient.

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The objections which have been made are reducible to four Heads.

1. By what the Prisoner here shall be said to be committed and detained.
2. That this commitment is against the Petition of Right.
3. That the cause which is here returned, is general and uncertain.
4. That the offences mentioned in the Return are but Finable, and therefore notwithstanding them, the Party is Bailable.

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For the first, it hath been objected, That the Commitment here was by the Lords of the Privy Council, and the signification of this cause is by the King himself. But I say, that there is a further matter in the Return ; for the Lords of the Council do it by the command of the King, and they onely pursue this Command. I will not dispute, whether the Lords of the Council have power to commit an offender or no, it is common interprience, 33 H. 6. 28. Poignes Case is express in it. And in the Petition of Right it is admitted, that they may commit. And this is not alledged there for a grievance, but the grievance there, was, because the particular charge of the Commitment was not shewed. Some Books have been objected to prove, that the King, though in Person, cannot commit any person, 16 H. 6. F. Monstrance de faits 182. But the authority of that Book vanisheth, if the Case be put at large, which was in Trespass for cutting of Trees. The Defendant said, That the place where, &c. is parcel of the Manner of D. whereof the King is seised in Fee, and the King commands us to cut. And the opinion of the Court was, that this is no plea, without shewing a specialty of the Command of the King. And there the whole Court says, That if the King command me to arrest a man, whereby I arrest him, he shall have trespass or imprisonment against me, although it be done in the presence of the King. That the following words are to be understood, that the principal case was of one Command of the King by word, and then such Command by word to arrest a man is void. And 1 H. 7. 4. was objected. Hussey says, that Markham said to King Edward 4 that he cannot arrest a man for suspicion of Treason or Felony, because if he do wrong, the Party cannot have his Action. To this I say, That the Book there is to be understood of a wrongful arrest, for there is spoken of an action of false imprisonment ; and a wrongful arrest cannot be made by the King.

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2. It stands not with the Dignity of the King to arrest any man ; C. 4. 73. The King makes a Lease for years, rendering Rent, with condition of re-entry for non-payment he shall take advantage of the condition without any demand ; and the reason there given, is, that a decorum and convenience might be observed. So it is not befitting for the King

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in person to arrest any man, but the King may command another to do it. Bracton lib. 2. de acquirendo rerum Dominio, fol. 55. says, That the Crown of the King is to do justice and judgment, and facere pacem, without which, the Crown it self cannot subsist. Several constructions are to be made upon those several words, ——— and the last words ——— facere pacem — imply, that the King hath a coercive power. Britton f. 1. amongst the Errata. The King said in person,

A Because we are not sufficient in person to do every thing, We divide the charge into many parts. We are the peoples Justice, and a Justice implies one that hath power to do Justice in every kind, to wit, by imprisonment, or otherwise. 20 H. 7. 7. C. 11. 85. it is said, That the King is the Chief Justice. And Lambert in his Justice of Peace, fol. 3. says, That in ancient Histories, the Chief Justice of England is called, Capitalis Justicia & Prima Justicia, after the King, in England. So that the King hath the same power of Justice, as the Chief Justice had.

B This imprisonment here, which is before conviction for any offence, is not used toward the Subject as imprisonment for any fault, but is rather an arrest or restraint to avoid further inconveniences, 14 H. 7. 8. A Justice of Peace may arrest men riotously assembled, for prevention of further mischief. And the Book also says, That he may leave his servants there to arrest men, for safeguard of the Peace. It is a case well known, that if a house be set on fire, every man may pull down the next house, for prevention of greater mischief; so it seems concerning the Incendiaries of the State, they ought to be restrained and supprest, lest others should be stirred up by them to the same combustion. 22 ass. 56. and 22 E. 4. 45. in false imprisonment the Defendant justifies, because the Plaintiff was mad and out of his wits, and that he had done some harm, and that he had bound and beat him to avoid further harm, which might have hapned by his madnes: And the justification was held good. So is it in matter of Government, to avoid commotions, the King ought to use his coercive power against those that are enraged.

D The objection was, That this course was against the Petition of Right. But I answer, That this case is out of the words of that Petition; the words of the Petition were, — Whereas by the Statute called, The great Charter, and by the Statute of 28 E. 3. no free-man may be taken or imprisoned — yet against the tenour of the said Statute; &c. divers of your subjecces have of late been imprisoned, without any cause shewed; and when for their deliverance, &c. they were brought before the Justices by Writs of Habeas Corpus, there to undergo and receive as the Court should order, and their Keepers commanded to certifie the cause of their deteyner, and no cause was certified, but that they were detained by your Majesties special command, signified by the Lords of your Council; and yet were returned back to several Prisons, without being charged with any thing to which they might make answer according to Law. These last words are observable,

F — Without being charged with any thing, to which they might make answer — These words do not refer to the Return of the Habeas Corpus, for the cause returned therein cannot be traversed, 9 H. 6. 54. but the Court took it as true. But the setting forth of the cause, and the answer to the same cause, is to be upon other proceedings, to wit, upon the Indictment for the offence, or otherwise. And there is great difference between the return of a Writ to which a man may an-

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swer, and the return of an Habeas Corpus, 10 E. 4. & 3 H. 7. 11. are, that if the Sheriff return Rescous, all certainties of every circumstance ought to be shewed ; because it is fitting, that a thing certain be brought into judgment. And upon shewing of the grievance, as above, the Petition is, that no free-man, in any such manner as before is mentioned, be imprisoned or detained, (such) and it hath relation to such imprisonment, which is mentioned in the premisses. And imprisonment mentioned in the premisses of the Petition, is, where no cause at all was mentioned ; then where any cause is shewed, is out of the Petition, and that [ such ] is the word relative, appears by C. 11. 62. where many cases are put to the same purpose, which see.

The third objection was, That the return was general and uncertain. The Counsel on the other side had divided the words of the Return, but that is to offer violence thereunto ; for an exposition shall not be made by fractions, but upon the whole matter. For the first words, — notable contempts — It hath been said, that the addition of the word [notable] is but to make a flourish : But I say, That [notable] is not the emphasis of the Return, but it only expresseth the nature of the offence ; and yet [notable] is a word observable by it self in the Law, and implies, that the thing is known and noted. By 27 E. 1. Sheriffs shall be punished, that let notorious offenders to bail ; and by the Statute of 4 H. 4. cap. 3. a notorious or common Thief shall not make his purgation : and 26 E. 3. 71. in a trespass for false imprisonment, the Defendant said, That the Plaintiff came into the Town of Huntington, and because he was seen in the company of R. de Thorby, who was a notorious Thief, he, as Bailiff of Huntington, took him upon suspicion. I confess, that — for contempts — is general, yea it is genus generalissimum, and within the Petition of Right ; but the words are, — against Our Self — It hath been said, That this might be by irreverent words or gestures. — And Our Government — It hath been said, that this might be by contempt to the Kings Writ, or by Retraxit, as Beechers case is. To this I answer, That those words which are spoken to one purpose, ought not to be wrested to another ; and this is against the common meaning of the words, C. 4. Thou art a murderer, the Defendant shall not afterwards explain it to be a murderer of Hares, for the highest murder is intended. So here, the highest Government is intended.

4. It hath been objected, that — for stirring up of Sedition against Us — may perhaps be but an offence Finable : But those words joyned with the former words, shew this to be an offence of the highest nature ; sedition is a special contempt. And although sedition in it self may be but a general offence, yet here it is, — Sedition against Us and Our Government — which makes it particular. It hath been confessed by one, that argued on the other side, that there is a general in a particular. C. 4. Holland's case, there is the most general, and there is a general in particular, as the State Ecclesiastical. zly. There is more particular, as the Colledges, Deans, and Chapters. This being in a case of Return upon Habeas Corpus, no precise certainty is required. In an Indictment, a certainty of all circumstances is requisite ; in Pleading, a certainty is required ; in Counts, a more precise certainty ; in Barrs, a certainty to a common intent is enough. There is not such precise certainty

tainty required here as Indictment or Count, because the party ought to answer unto them; nor so much certainty required in this as in a Bar. And the Return is not certain, for, as it is said in Plowden, 202. and 193. a thing is uncertain, where it may be taken indifferently, one way or the other. But where the intent is the one way exceeds the intent the other way, it is not uncertain, as it is here. The words are, —for notable contempts against Us and Our Government,

- A and for stirring up of sedition against Us— Here is certainty of intent one way. There are many Writs which are more uncertain than this Return here is, and yet good. The Writ concerning the taking of an Apostle is general, Quod ipreto habitu ordinis; & yet there are more sorts of Apostles; in the Writ concerning the amoving of a Leper, the words are general, and yet it appears by F. N. B. that there are two kinds of Lepers, one outward, and the other inward; & for the latter the Writ concerning amoving a Leper. So the Writs
- B concerning the burning of an Heretick, & concerning the examining of an Idiot, are general; & yet there are sundry kinds of Heretics and Idiots also. But it hath been objected, that [Sedition] is not a Law-term, nor known in the Law, of which the Judges can take no notice; but the words, to express offences of this nature, are Murder, Treason, Felony, &c. and that no Indictment of Sedition generally was ever seen. To this I answer, Perhaps it is true, that no Indictment was ever seen made, because the form of an Indictment is precise, words of Art are required therein, as appears in Dyer 69. 261. C. 4. Vaux's Case; yet in 5 E. 6. Dyer 69. it is said, that Furatus implies Felonice cepit, although the contrary hath been objected. In a return, words by Periphrasis are sufficient. The Warrant of a Justice of Peace to apprehend J. S. because of prepensed malice, interfecit J. D. is good enough, although there wants the word murdravit. In 5 R. 2. F. Tryal 54. Belknap says, that a miscreant shall forfeit his Land. Out of which it may be gathered, that a man may be indicted for miscreancy. And it seems likewise, that an Indictment of sedition may be good, for in some Cases it is Treason. I agree Peak's Case, which hath been objected, that for these words, [seditious fellow] no action lies; and so is C. 4. 19. b. because those words do not import an Act to be done, but only an inclination to do it; but if a man say such words of another, which import that he hath made sedition, they are actionable, as it was resolved in Philips and Badby's Case. 24 Eliz. C. 4. 19.a. Thou hast made a seditious Sermon, and moved the people to sedition this day, adjudged actionable. So in the Lord Cromwel's C. 4. 12, 13. the action would have lain for those words, You like of those that maintain sedition against the Queens proceedings, if there had not been another matter in the case. I agree the case of 21 E. 3. Sir John Garboyl's case, & 42 E. 3. for in those cases, sedition was only taken adjectively, & he w<sup>s</sup> an inclination only to do a seditious act, & in such sense, sedition may be applied to other offences than Treason. In 31 E. 1. f. gard. 157 Gardein in Socage made feofment of land which he had in Ward. This is forfeiture says the Book, for the Treason which he did to the Ward; so there one thing is called Treason, which is only a breach of trust. In an appeal of Mayhem, it is felonie, and yet 6 H. 7. 1. it is not felony: But Felony is there only put to express the heinousness of the offence, it is, as it were, a Felony. The Statutes of 2 H. 4. 1 Mar.
- F 13 Eliz.

13 Eliz. 35 Eliz. 17 R. 2, 3 & 4 E.6. 14 Eliz. which have ban of judicium, have the word [Sedition] but not applicable to this case. Bracton in his Book de Corona, says, Si quis, &c. If any by rash attempt, plotting the King's death, should act, or cause any to act, to the sedition of the Lord the King, or of his Army, it is Treason. And Glanvil, in as many words, says, That to do any thing in sedition of the Kingdom, or of the Army, is high Treason. And Brittan. fol. 16. It is high Treason to disinherit the King of the Realm, and sedition tendeth to the disinheritance of the King; for, as it hath been said, Sedition est quasi leorum-atio, when the People are severed from the King: or it is, Separans a ditione, when the People are severed from the power of the King. And in this sense, Sedition is no stranger in our Law; and such sedition which severs the People from the King, is Treason.

But it hath been objected, That by the Statute of 25 E.3. the Parliament ought only to determine what is Treason, what not. To this I answer, That upon the said Statute, the positive Law had always made explication and exposition, Br. treason 24. the words are, Compell or imagine the death of the King; and there it is taken, that he that maliciously deviseth how the King may come to death, by words or otherwise, and does an act to explain it, as, in assaying harness, this is treason, 13 Eliz. Dy. 298. Doctor Story's Case, he being beyond Sea, practised with a foreign Prince to invade the Realm, and held Treason, because invasion is to the peril of the Prince, and so within the Statute of 25 E.3. 4. Mar. Dy. 144. The taking of the Castle of Scarborough was treason in Stafford by 30 ass. p. 19. which was presently after the making of the Statute of 25 E.3. A man ought to have been hanged and drawn, that brought Letters of excommunication from the Pope, and published them in England: and it is to be noted, that at the same time there was no Statute to make it Treason, but upon construction of the said Statute of 25 E.3. though now it be made Treason by the Statute of 13 Eliz. if it be with intention to advance foreign Power. Perhaps the Sedition mentioned in this Return is High Treason, and yet the King may make it an offence finable, for he may prosecute the offender in what course he pleaseth; and if it be Treason, then the Prisoners are not bailable by the Statute of Westm. But, suppose that it is but a finable offence, yet by the said Statute, those which are imprisoned for open and notorious naughtiness, shall not be bailed, the same naughtiness is there intended high and exorbitant offence.

2. It is fit to restrain the Prisoners of their Liberty, that the Commonwealth be not dammified. It is lawful to pull down a House, to prevent the spreading mischief of fire; it is lawful to restrain a furious man. And by the 14 H. 7. a Justice of Peace may restrain one rout. Then the restraint of dangerous men to the Commonwealth is justifiable and necessary, 24 E. 3. 33. D. 25. Sir Thomas Fidget went armed in the Palace, which was shewed to the King's Council; wherefore he was taken and disarmed before the Chief Justice, shar'd and committed to the Prison, and he could not be bailed till the King sent his pleasure; and yet it was shewed, that the Lord of T. threatened him. Out of which Case I observe two things: first, That the Judge of this Court did cause a man to be apprehended, upon complaint made to the Coun-

Council, that is, to the Lords of the Privy Council. 2. That although he did nothing, he is not main pernurable until the King sent his pleasure, because he was armed and furiously disposed. So here. Wherefore I pray, that the Prisoners may be sent back again.

Davenport argued to the same intent and purpose, and therefore I will report his argument briefly.

Sergeant Davenport's argument against Stroud and Long.

- A 1. He said, That the Return here is sufficient. The Council on the other side have made fractions of this Return, and divided it into several parts, whereas the genuine construction ought to have been made upon the entire return; for no violence ought to be offered to the Text. 7 E. 4. 20. In false imprisonment, the Defendant did justifie, and alledged several reasons of his justification; to wit, because a man was killed, and that this was in the County of S. and that the common voice and fame was, that the Plaintiff was culpable. And this was held a good plea, although Bryan did there object, That the plea was double or treble; and the reason was, because twenty causes of suspicion make but one entire cause; and indivisible unity in this ought not to be divided: Soc. 8. 66. Croates. In an action of Trespass, the Defendant justifies for several causes, and held good, because upon the matter, all of them make but one cause. C. 8. 1. 17. It is said, That it is an unjust thing, unless the whole Law be look'd into, to judge and answer, by propounding any one particular thereof; and if it be unjust in the exposition of a Law, it is uncivil in a Return to make fractions of it, in the construction thereof especially, it being a Return for Information, and not for Accusation.
- B 2. Although the Council on the other side have taken this Case to be within the Petition of Right, yet this is *Petitio principii*, to take that for granted which is the question in debate. He said, That he would not offer violence to the Petition of Right, to which the King had assented, and which shall really be performed. But the question here is, whether this return be within it? and the Judges are *Barpers*, not *Masters* of this Pledge; and it seems, that this Return is out of the Letter and meaning of the said Statute.
- C 3. He said, That this was the actual commitment of the Lords of the Privy Council, and the habitual or virtual commitment of the King. But because upon these two matters he put no case, nor gave any reason, but what had been put or given in the argument of the grand Habeas Corpus, Mich. 3. Caroli, and afterwards in the House of Commons, which was reported to the Lords in the Painted Chamber, (all which arguments I heard) I have here omitted them. And for the great respect which the Law gives to the commands of the King, he put these cases, 7 H. 2. Attachment of Waste against the Tenant in Dower, and the Waste was assigned in the taking of fish out of a Pond, and the carrying them away. And the Defendant pleaded, That her second Husband, by the command of the Lord the King, took all the fish out of the said Pond to the use of the Lord the King, and held a good justification; which proves, that the command of the King there to her Husband excused her of the said Waste. And yet it is clear, that Tenant in Dower is liable to an Action of Waste, for Waste done in the time of her second Husband: But contrary is it, where a Woman is Tenant for Life, and took a Husband, who made Waste and

dred, no action lies against the wife for that waste. And F. N. B 17. A. If the Tenant in pracie at the grand cape makes default, the King may send a Writ to the Justices, rehearing that he was in his service, &c. commanding them, that that default be not prejudicial to him; and this command of the King excuseth his default, be the cause true or no.

4. For the particulars of the Return, it is — for notable contempts aginst the Government — But as to that, it hath been said, that the King hath sundry Governments, to wit, Ecclesiastical, Political, &c. and it is not shewn, against which of them. This is but a cavilling exception; they might as well have excepted to this Return, because it is not shewn, that these contempts were after the last general pardon; that had been a better exception. The last words of the Return are, — raising sedition against Us — But as to this it hath been said, That Seditio is not a word known in the Law, and is always taken either Adverbially, or Adjectively, and is not a Substantive. To this he said, That although it is not a Substantive for the preservation, yet it is a Substantive for the destruction of a Kingdom. And he said, That he found the word [Seditio] in the Law, and the consequent of it likewise, which is, seductio populi. But it is not ever found to be taken in a good sense, its always ranked and coupled with Treason, Rebellion, Insurrection, or such like, as it appears by all those Statutes, which have been remembred on the other side. Therefore he prayed likewise, that the Prisoners might be sent back.

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### Trin. 5 Car. B. R.

Mr. Littleton's argument  
for Mr. Selden.

The first day of the Term, upon Habeas Corpus to Sir Allen Apsley the Lieutenant of the Tower, to bring here the Body of John Selden Esq; with the Cause of detention. He returned the same cause as above; and Littleton, of Counsel with him, moved, That the Return was insufficient in substance; therefore he prayed, that he might be bailed. It is true, that it is of great consequence, both to the Crown of the King, and to the Liberty of the Subject. But under favour, for the difficulty of Law contained in it, the Case cannot be said Grand. In my Argument, I will offer nothing to the Court, but that which I have seen with these Eyes, and that which in my understanding (which is much subject to mistakes) can receive no sufficient Answer.

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I will divide my argument into four several Heads.

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1. To point out those matters which I think unnecessary, and not conducive to the matter in question.
2. I will consider the Warrant of the Privy Council in this Case.
3. The Warrant of the King himself.
4. The objections which have been made by the contrary side, the strength of them, and give answer to them.

For the first of these Heads, 1. I will admit, that the King may commit a man. 2. That a man committed by the King is not repleviable by the Sheriff, but he is Bailable by this Court, notwithstanding the Statute of Westm. 1 C. 15. And that he shall not be Bailable, is against the Petition of Right; I will

will not dispute it, for it is established by the Answer of the King to the said Petition. And the Arguments made to this purpose in the said Parliament, and in the painted Chamber before both the Houses, are recorded in Parliament, to which every one may resort. But I will lay as a ground of my following Argument, that as offences are of two natures, Capital, or as Trespasses; so they are punished in two manners, to wit, Capitally, or by fine, or Imprisonment. For the offences of the first nature, as Treasons, and the like, Imprisonment is imposed upon the Offender, only for Custody; but for misdemeanors of the second nature, Imprisonment is imposed upon him for a punishment. Then this is my ground, That no free-man that is imprisoned, only for misdemeanor before conviction, may be detained in Prison without Bail, if it be offered, unless it be in some particular cases, in which the contrary is ordained by any particular Statute.

A B 2. For the Warrant of the Privy Council, which signifies the pleasure of the King to commit the Prisoner; perhaps this was a good ground of the Commitment, but it is no ground for the detaining of the Prisoner without Bail; and this the King himself hath acknowledged, as the ancient Right of the Subject, in the Petition of Right; wherefore it is not now to be disputed.

C D E F 3. For the Warrant of the King, as it is certified by this Return, there is not any sufficient cause contained within it, for the detaining of the Prisoner in prison; for the Law being, as I have declared above, that for a misdemeanor before Conviction, no free-man may be imprisoned before Conviction, without Bail or Mainprise, the sole question now is, If this Return contain within it any capital offence; or if only a Trespass or Misdemeanor, and then the Party is Bailable: And for the disquisition hereof, I will consider the Return, 1. As it is divided in several parts: 2. I will consider all those parts of it together. 1. As it is severed in parts. The first part of it, [for notable contempts by him committed against Our Self and Our Government] For [contempt] all contempts are against the King, mediately, or immediately, and against His Government. [Notable] this is all one with notorious and manifest, as appears by the Statute of Westm. 1. cap. 15. and 26 E. 3. 71. Which hath been remembred. And [Notable] is but an emphatical expression of the nature of the thing, and alters it not. [Against us] All Riots, Routs, Batteries, and Trespasses, are against Us, & against Our Crown and Dignity; contempt against any Court of Justice, is a contempt against Us. But if the Return were made here, that he was committed for a contempt made in Chancery, the Party shall be Bailed, as it was resolved in this Court in Michael Apsley's Case, and in Ruswel's Case, 13. Jac. for the Return is too general. C. 11. 98. In it the nature of the offence ought to be expressed, that the Court may judge thereof. And [contempt] here is individuum vagum; therefore for them before conviction, the Party cannot be imprisoned without Bail or Mainprise.

The second part of the Return is, [And for stirring up of sedition against Us] The other side said, That [Seditio] is ever taken in the worst sense. That is true. But hence it follows not, that the Party that commits it is not Bailable. Every small offence is taken in the worst sense, as the stealing of an Apple, and the like; but such kind of

offenders shall not be committed without bail. To examin the nature of this offence, which is called [Sedition] it ought to be understood, as this return is, either as Trespass, or as High Treason; for it cannot be intended to be Petty Treason; for Petty Treason is so called, in respect of the offence done to any particular subject; but in respect of the King, it is but as a Felony, therefore the indictments for the same are Feloniously and Traiterously. And here the words are,—Sedition against Us—so of necessity it ought to be intended of an offence, that more immediately concerns the King. For the discussing of this matter, first, I will consider in what sense and signification this word [Seditio] is used.

2. How it shall be expounded here by the relation thereof to the King.
3. What sense these words [against Us] shall have here.

1. For Sedition; it is not found in the division of offences in our Law, but as it is mingled and coupled with other offences. No Indictment of Sedition onely was ever seen, nor can be shewn; Riots, Riots, and unlawful Assemblies, are much of the same nature with it, and do well express the nature of Sedition. The English word is drawn from the word [Seditio] in Latine, and the derivation of it is, as hath been observed, Se-itio, or Seorlum-itio; and the seditious (as one says) take a diversion, and draw others: It is used in the Bible, in Poets, Histories, and Orators, for a Tumult, or Hurly-burly, or Uproar, or confused noise, —Seditioque recens dubioque susurro, in Liv. lib. 2. cap. 44. And in Tacitus it is taken for Mutiny in an Army, when the Army is always repining at the Captain. In the Italian Language, which is the elder son of Latine, Sedition and Discord is all one, Numb. cap. 20. 3. the Latine Translation is, Versi in seditione; the English is chode, or murmured. Numb. 26. 9. the Latine is, In seditione Corah; the English is, In the company of Corah. Numb. 27. 3. the Latine is, Nec fuit in seditione eorum; the English is, In the company or assembly of them. Judg. 12. 1. the Latine Translation is, Facta est ergo seditio in Ephraim; the English Translation is, The men of Ephraim gathered themselves together. In the New Testament, Acts 19. 40. Sedition in the Latine is translated Uproar, or Meeting. Acts 15. 2. Facta est ergo seditio, &c. and it is translated Dissension, and Disputation. Acts 24. 5. Tertullus the Orator accuseth Paul for moving sedition; and the subsequent words are, A ring-leader of the Sect of the Pharisees; so that his sedition there was but a schism: And the words there are in a manner the very same with ours here; there it was, for moving; here, for stirring of sedition. Seditio, as an approved Authour says, imports discordiam, to wit, when the members of one body fight one against another. The Lord of St. Albans, who was lately the Lord Chancellor of England, and was a Lawyer, and great states-man likewise, and well knew the acceptation of this word [Sedition] in our Law, hath made an Essay of Sedition, and the Title of the Essay is, Of Seditions and Tumults. The whole Essay deserves the reading. And there is a Prayer in the Litany,—From Sedition and Heresie, &c. So that here Sedition is taken as a kind of Sect.

This being the natural signification of the word, then the next labour shall be to see, if any thing in our Law crosses this exposition. And it seems clearly, that there is not. 2 H. 4. cap. 15. And it is in the Parliament-Roll, numb. 48. against Lollards, who at that time were taken

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- A taken as Hereticks, says, That such Preachers which excite and stir up to sedition, shall be converted before the Ordinary, &c. There, sedition is taken for dissension and division in Doctrine. And this is not made Treason by the said Statute, although the said Statute be now repealed by the Statute of 25 H. 8. c. 4. 1 and 2. Phil. & Mar. c. 3. which is in Rastal, News 4. which is an act against seditious words and writings of the King and Queen, which is a great misdemeanor; and yet the punishment appointed to be inflicted by the said Statute, is but the Pillory, or a fine of 100l. And the said Statute, by the Statute of 1 Eliz. c. 16. was extended to her also, which Statute now by her death is expired: which I pray may be observed, 13 Eliz. cap. 1. against those, who seditionously publ: sh who are the true Heirs of the Crown, that they shall be imprisoned for a year, &c. And 13 Eliz. c. 2. the seditious bringing in of the Popes Bulls is made Treason, which implies, that it was not so at the Common Law, 23 Eliz. c. 2. If any person shall devise, write, or print
- B any Book, containing any false, seditious and slanderous matter, to the stirring up or moving of any rebellion, &c. every such offence shall be adjudged Felony. And in an Indictment upon the said Statute, (which see Cooks Entries, f. 352, 353.) there are the words—rebellionem & seditionem movere; and yet it is but Felony, 35 Eliz. c. 1. made against seditious Sectaries. Also there are certain Books and Authorities in Law, which express the nature of this word Sedition, C. 4. 13. the Lord Cromwel's Case. In an Action for those words, You like of those that
- C maintain seditions against the Queen's proceedings, the Defendant pleaded, That he intended the maintenance of a seditious Sermon; and this was adjudged a good plea and justification. From which it follows, that the Seditious Sermon mentioned in the Declaration, and the maintaining of sedition against the Queen, is all of one signification; for if they might have been taken in a different sense, the justification had not been good. Philips and Badby's Case. which is in C. 4. 19. a. which was objected by Sergeant Berkley, makes strongly for
- D me; for there an action upon the case was brought by a person, for those words, [Thou hast made a seditious Sermon, and moved the people to sedition this day.] And although it were there adjudged, that the action lay, yet the reason of the Judgment is observable, which was, because the words scandalize the Plaintiff in his profession; which imply that if they had not scandalized him in his profession, no action would have lain. And ordinary words, if they scandalize a man in his profession, are actionable; as to say to a Judge, that he is a corrupt man; or
- E to a Merchant, that he is a Bankrupt; although if they were spoken to another man, they would not bear an action. And although the Book say, that no act followed there; yet if the matter objected had been treason, the very will had been punishable, & by consequence, a great slander. But it is observed, that words which imply an inclination only to sedition, are not actionable, as Seditious Knave; but inclination to treason, is treason, therefore words which imply it are actionable. And also for divers words, an action upon the case will lie, which induce not Treason or Felony; as, for calling a Woman Whore, by which she loseth her Marriage, and such like. Then sedition is no offence in it self, but the aggravation of an offence; and no Indictment (as I have said afore) was ever seen of this singly by it self. Tr. 21. E. 3. roll. 23. Sir John Garbut's Case, which was put before by Mason

son, the Indictment was in prejudice of his Crown, and in manifest sedition, and yet the offence there was but a Robbery. It is true, that upon his arraignment he stood mute, therefore the roll is, that he was put to penance, that is, to strong and hard pain; & this proves, that it was not treason; for if a man arraigned of treason, stand mute, yet the usual judgment of treason shall be given on him. And it is true also that he cannot have his Clergy, because insidiator viarum was in the Indictment; which if it was, outs the Party of its Clergy, until the Statute of 4 H. 4. c. 2. as is observed in C. 11. Alexander Poulter's Case. And upon the same Roll of 21 E. 3. there are four other Indictments of the same nature, where [Seditiose] is contained in them. Anno 1585. Queen Elizabeth sent a Letter (which I have seen by the hands of the noble Antiquary, Sir Robert Cotton) to the Mayor of London, for the suppressing of divers seditious Libels, which were published against her Princely Government; and yet in the conclusion of the Letter it appears, that they were onely against the Earl of Leicester, and this was to be published onely by Proclamation in London.

5 H. 4. numb. 11. and 13. The Earl of Northumberland preferred a Petition to the King in Parliament, in which he confesseth, that he had not kept his Majesties Laws as a liege Subject; & also confesseth the gathering of power, and the giving of Liberties: wherefore he petitioned the worship of the King (for so are the words) for his grace. The King upon this Petition, demanded the opinion of the Lords of Parliament, & of the Judges assitant, if any thing contained within the said Petition were treason, or no; and it was resolved by them all, that nothing as it is mentioned in the said Petition was treason, but great misdemeanors; & yet truly, tho' not fully there mentioned, it was a great rebellion & insurrection. But they adjudged according to the said Petition, as you are now to judge upon the Return, as it is made here. In Mich. 33 Eliz. Cawdry's Case, Sedition & Schism were described, As Schism is a separation from the unity of the Church, so Sedition is a separation from the unity of the Common-wealth. And an Author says, That a seditions person differs from a schismatick, because the one opposeth the spiritual truth, the other the temporal: And as Schism of it self is not Heresie, so Sedition without other adjuncts is not Treason. Bracton, f. 112, 113, 118. hath been objected, that he makes Sedition Treason: I will grant to them, Hengham also, who is to the same purpose; for in those Books it is called, Seditio Regis & Regni. To them I answer, 1. That they are obscure. For what signifies sedito Regis, or tumultus Regis? shall it be the same thing in fence with sedito contra Regem? It seems that the said Authors neither remember Law nor Language. 2. Although they reckon Sedition amongst the crimes lae*se* Majestatis, yet that is not to be regarded; for they are obsolete Authors, and are not esteemed as Authors in our Law, as it is in Pl. 356. and C. 8. 35. but they may be used for ornament, and they are good marks to shew to us, how the Law was then taken, but not to declare how the Law is at this day; they are no binding authority; and if they be, yet we have them of our side likewise: For in his 14 Book Glanvil says, That a man accused of such a crime shall be bayled, and that the Accuser shall give pledges. And Bracton says, That if no Accuser appears, they shall be set at liberty. And Hengham reckons

A reckons amongst the crimes *laesa Majestatis*, the breach of the Peace, and so does Glanvil also. Fleta, who was a follower of Bracton, and transcribes much verbatim out of him, calls Sedition, *Seductionem of the Lord the King*. And 12 Edw. 1. the Statute of Rutland, which prescribes Laws for Wales, enacts, That the Sheriff shall enquire in his Turn, *de seductoribus Domini Regis*; and it is not apparent, whether he intend those which seduce the King or his People. And in latter times, *Seditio* is called *Sedutio*. In the time of Henry the Seventh, the Earl of Northumberland, being a great and potent Peer, and the King standing in awe of him, caused him, with twenty four others of great quality, to enter into an Obligation of Twenty thousand pounds (which obligation is in the hands of Sir Robert Cotton) unto him, That if the said Earl knew Treason, Sedition, Loss, &c. to be intended to the King, that he should reveal it.

B 3. Also, *Crimen laesa Majestatis*, which is the phrase of the Civil-Law, is more general than *Treason*; and the old Authors, which have been cited much, follow the Civil-Law, which hath this expression; and *Sedition* by the Civil-Law is *Treason*. But it was resolved, 11 R. 2. n. 14. We are not governed by the Civil-Law. And the Mirrour of Justices, the principal Copy whereof is in Benet-Colledge Library in Cambridge, and there is also a Copy in Lincolns-Inne Library. Mr Bratton in his Book, who writ in the name of the King, have not the word *Seditio* in them. And I affirm confidently, that there cannot be shewn any Record, Book, or Statute, after the making of the Statute of 25 Edw. 3. in which *Seditio* is taken as a capital offence. And yet the Mirrour of Justices reckons up several kinds of *Treasons*, which he divides into *Treasons against the Celestial or Terrestrial Majesty*; against the Celestial Majesty, as Schism, Heresie, Miscreancy, (and according to this, the Book of 5 R. 2. Trial 54. is to be understood, which says, That a Miscreant shall forfeit his Lands, because it is a kind of *Treason*). And also he shews divers *Treasons against the King*, as, The deflouring of the Kings eldest Daughter, &c. but not a word of *Sedition*. But admit, that *Sedition* imports a greater offence then *Cumult*, yet there is no colour to say, that it is *Treason*; for 25 Edw. 3. is a flat Barre (that I may use the Inner-Temple phrase) to any thing to be *Treason*, which is not contained in it, unless it be made *Treason* by any special Act afterwards, and 25 Edw. 3. does not make it *Treason*. Stamford cites Glanvil, and Bracton, and other ancient Books, to shew what was *Treason* before the said Statute, and what not: And he says, That it was a great doubt what shall be said *Treason*; saving that all agree, that any thing that tends to the death of the King was *Treason*. 3ly. Now examine the words — against Us — those words make not the crime more heinous, as the case is. I agree, that if the words had been, — *Sedition to take away the life of the King* — it would have been *Treason*; yea, the very thought of *Treason* is *Treason*, (though none can judge thereof till it be produc'd in act) 19 H. 6. 47. b.

See Fortescue,  
f. 115. the  
which was not  
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never *Seditio*-  
*Strife*, or  
*Murmur* is  
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by Newton, 13 Jac. B. R. John Owen's case, the writing of a Letter, whereby he intended the death of the King, was treason; but it is not expressed, that the raising of this sedition was with such intent, whereby this differs from all the cases which can be put, in which there is such an intent of the death of the King. Also this raising of sedition against Us, shall not be intended treason; for if it had been so, the King would have so expressed it by the word Treason: For, as in his gracious disposition, he will not extend a fault beyond the magnitude thereof, so he will give to every offence the true and genuine name. If the Return had been, —— against Our Person —— it had been more certain, that it concerned the King immediately; this, may be against any point of his Government. And the proper and natural signification of the words, —— against Us —— is as much as, Against Our Authority, Our Superintendency, against Our Peace, Crown, and Dignity, which are the usual words in every Indictment of Felony, Every breach of the Peace is against the King. The usual Return upon every ordinary Writ out of this Court, is, That the party be before Us; and contempt to this Court is, Contempt against Us, and it is in the nature of sedition to the King. Contempts to the Court of Star-chamber, are contempts against Us; and upon them, Commissions of Rebellion issue; and if the parties are brought in upon such Commissions, yet they are bailable until their conviction. The King styles himself, Us, in Writs and every disobedience to any Writ may be said, Sedition against Us. Routs, Riots, illoyal Assemblies, may well be said and called, Sedition against Us: And for such offences, a man shall not be restrained of his liberty upon an [it may be] Such a return is necessary, by which the Court may be truly informed of the offence. For the Writ of Habeas Corpus is, to submit and receive what the Court shall ordain. And this Return of this nature is not to be compared to Writs which are general, and make a brief narration of the matter, and are pursued and explained by subsequent declarations. And yet I urge not, that the Return ought to be as certain as an Indictment; for an Indictment of Murder is not good; if it lack the word Mordravit. But the Return upon an Habeas Corpus, q. d. interfecit I. S. upon prepense malice, is good; for the nature of the thing is expressed, although the formal word be wanting; but out of the Return, the substance of the offence ought always to appear, which appears not here. But it hath been said by the other side, That, let the cause in the Return be as it will, yet is it not traversable, 9 H. 6. 54. and I confess it. But as C. 11. James Baggs case is, the Return ought to have certainty so much in it, that, if it be false, the party grieved may have his action upon the case. And the grievance complained of in the Petition of Right is, That upon such return no cause was certified, that is, no such cause upon which any Indictment might be drawn up; for we never understand, that the party shall be tried upon the Habeas Corpus, but that upon the matter contained within it, an Indictment shall be made, and he shall have his trial upon it. And yet it is clear, and it hath been agreed of all hands

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hands, in the Argument of the grand Habeas Corpus, Mich. 3. Car. in this Court, that if the cause be certified upon the Return of the Habeas Corpus, that the Court may judge of the legality of that cause. 2. Consider the parts of this Return, as they are couped together, — for notable contempts by him committed against Our self and Our Government, and for stirring of sedition against Us. — Upon the entire return, the King joyns Sedition with notable contempts, so that it is as much as if he had said, that Sedition is one of the notable contempts, mentioned in the first part of the Return, so that he makes it but a contempt. For the generality and incertainty of the Return I refer my self to the Cases put by Mr. Ask, and I will not wave any of them. True it is, if the Return had been, that it was for Treason, he had not been bailable but by the discretion of the Court, and such Return would have been good; but it is not so of Sedition. Gard. 157.

B Treason is applied to a petty offence, to the breach of Trust by a Guardian in Socage; but it is not Treason. And so Sedition is of far less nature than Treason, and is oftentimes taken of a Trespass; it is not Treason of it self, nor seditio: was never used in an Indictment of Treason. It was not Treason before the 25 of Edw. 3. nor can it be flat Treason: for 25 Edw. 2. is a Barre (as I have said before) to all other offences to be Treason, which are not contained within the said Act, or declared by any Statute afterwards. And there are offences

C which are more hainous in their nature than Sedition is, which are no Treason, as Insurrections, &c. which see in the Statute 11 H. 7. cap. 7. 2 H. 5. cap. 9. 8 H. 6. cap. 14. 5 R. 2. cap. 6. 17 R. 2. cap. 3. and by 3 and 4 E. 6. cap. 5. the Assembly of Twelve persons to attempt the alteration of any Law, and the continuance together by the space of an hour being commanded to return, is made Treason; which Act was continued by the Statute of 1 Mar. cap. 12. and 1 Eliz. cap. 16. but now is expired by her death, and is not now in force, (although the contrary be conceived by some) which I pray may be well observed.

D By the Statute of 14 Eliz. cap. 1. rebellious taking of the Castles of the King is made Treason, if they be not delivered, &c. which shews clearly, that such taking of Castles in its nature was not Treason. But the said Statute is now expired; and also all Statutes, creating new Treasons, are now repealed. But, for a conclusion of this part of my Argument, I will cite a Case, which I think express in the point, or more strong than the Case in question; And it was M. 9. E. 3. roll.

E 39. B. R. Peter Russel's Case; He was committed to Prison by the Deputy-Justice of North-Wales, because he was accused by one William Solyman of Sedition, and other things touching the King: And hereupon a Commission issued out of the Chancery, to enquire, if the said Peter Russel behaved himself well or seditiously against the King; and by the inquisition it was found, that he behaved himself well. And upon an Habeas Corpus out of this Court, his Body was returned, but no Cause. But the said Inquisition was brough hither out of Chancery, and for that no cause of his caption was returned, he prayed delivery: but the Court would not deliver him, till it knew the cause of his Commitment: Therefore (taking no regard of the said Inquisition) they now send a Writ to the now Justice of Wales, to certifie the cause of his commitment. And thereupon he made this Return, That the foresaid Peter Russel was taken, because one William Solyman charged

him, that he had committed divers seditions against the Lord the King : and for that cause he was detained, and for no other. And because the Return mentions not what sedition in special, he was bailed, but not discharged. And I desire the balsment of the Prisoner only, and not his deliverance. I desire that the Case be well observed. In the said Case, there was an actual sedition against the King ; here is only a stirring up of sedition. The words of the said Award are, Videtur curia ; which are the solemn words of a Judgment, given upon great deliberation. There it was, —— for other things concerning Us —— This is all one as if he had said, —— for other things against us —— Concerning the King, and, against the King, are all one, as appears by 25 E. 3. C. 4 de Clero Etamf. 124. Westm. i. c. 15. Bracton, f. 119. 14. Eliz. c. 2. And the words of the Judgment in the said case, where not, —— dimittitur —— but, —— ideo dimittendus —— which imply the right of the Party to be bailed. The said case in some things was more particular than our case, and more strong ; for, there was an Accuser to boot, which wants in our case. There, true it is, that he was committed by the Justice of Wales, and here by the King himself ; but this makes no difference, as to this Court : for, be the Commitment by the King himself, or by any other, if it be not upon just cause, the Party may be bailed in this Court. And for the Inquisition, which is mentioned, it was no Trial in the case ; nor did the Court give any regard thereto. To detain the Prisoner by the command of the King singly, is against the Petition of Right ; but it being coupled with the Cause, the Cause is to be considered, and the truth of the Cause is to be intended, as well where it is mentioned, to be by an inferior Judge, as whereby the King himself, for it is traversable neither in the one nor other. And 22 H. 8. roll. 37. B. R. and 1 H. 8. roll. 8. Harrington's Case resolv'd. That a man committed by the command of the King, is bailable. And 33 Eliz. it was resolved by all the Justices of England, which I have viewed in Chief Justice Audley's Book, under his own hand, and it was produced in Parliament, That all men committed by the Privy Council are bailable, if the Commitment be not for High Treason. In all cases of Commitment, an Accuser is understood. Suppose that the accusation mentioned in Russel's Case of Sedition, had been an accusation of Treason, then the Judges ought not to have bailed him of right, and no man will say, but that the said accusation was a good cause to commit him. But the discovery of the offence ought to be afterward in an Indictment.

Fourthly, I come to the objections which have been made on the contrary.

1. It was objected, That this was a case of great consequence. I confess it, but this consequence is not to the King ; for if it be truly Treason, then they might have returned Treason, and then the Party was not to be bailed of right, till there should be a failure of prosecution ; as was lately in Melvin's Case, who was bailed for lack of prosecution ; the Return being for High Treason.

2ly. It was objected, That there can be no conviction, as this case is, therefore there ought to be coercive power to restrain the Prisoner. This is

is strange news to me, that there shall be any offence for which a man cannot be convict. And if there can be no conviction, it hence follows, that there is no offence; and if there be no offence, there ought by consequence to be no imprisonment.

3ly. The Case of 14 H. 7. 8. hath been objected, that a Justice of Peace may commit Rioters without bail. I confess it, for this is by force of a Statute which ordains it.

A 4ly. It hath been objected, That if an house be on fire, it is lawful to pull downe the neighbours house, for the prevention of further mischief; and the Cases of 22 ass. and 22 E. 4. that every man may justifie the coercion of a mad-man. I answer, that these Cases are true, for of necessity, and no other evasion: but here, bail is proffer'd, which is, body for body. Fire is swift, and cannot be punished, and no caution can be obtained thereof. But observe the true inference and consequence of this Argument, If my house be on fire, my neighbours house must be pulled down; Mr. Selden is seditious, ergo, Mr. Herbert his neighbour must be imprisoned.

B 5ly. It hath been objected out of Br. Treason, 24. 1 Mar. That the said Statute of 25 E. 3. is taken largely, and that the detaining of a Castle or Fortress is Treason. To this I answer, that the bare detaining of a Castle is not Treason, unless it be with intention of the death of the King; but the taking of a Castle is Treason. And the Case where meant by Brook, is Constable's Case, Dy. 128. And I confess, 13 C Eliz. Dy. 298. Doctor Story's Case, that conspiracy to invade the Kingdom, is Treason; for this cannot be without great danger of the death of the King; for, — arma tenenti, Omnia dat qui justa negat — and all these Indictments were, that they intended the death of the King; but no such intention is expressed here.

D 6ly. It hath been objected, That this Case is out of the Petition of Right, because in this Return there is a cause shewed. But the grievance whereupon the Petition of Right was framed, was, where no cause was returned. It is true, that the grievance goes no further, but where no cause was returned, for that was the grievance at that time. But the words of the Petition of Right are further, — without being charged with any thing, to which they might make answer by the Law — which implies, that such cause ought to be contained in the Return, which being put into an Indictment, the Party may have his Answer thereto.

E 7ly. It was objected, That the Return shall not be construed and expounded by fractions. I answer, That we need not make such an exposition; for the joint-construction thereof makes more for us, then the several, as is shewed before.

F 8ly. That a general Return is sufficient, and it need not have terms of Art in it, as an Indictment ought to have. For answer, I confess it; but I affirm, as above, that a Return ought to be so particular, that the nature of the offence ought to appear out of it; and it is not to be compared to general Writs, as, Apostata capiendo, Idiotâ examinando, Leproso amovendo, and the like: for those Writs are good enough, because they contain the very matter. And although it hath been said, that there are two kinds of Lepers, yet I never heard but of one. And the Writ de Heretico comburendo, is general, and good, because,

because it is but a Writ of execution upon a Judgment, given by the Spiritual power. But because they might not meddle with the blood of any man, the execution is by the Secular power.

9ly. It hath been objected out of 30 a. s. p. 19. that the King would have one drawn and hanged, for bringing into England the Bulls of the Pope. But the Book answers it self, for he was not drawn and hanged.

10ly. The Statute of Westm. 1 cap. 15. was objected. But as oft as that Statute is objected, I will always cry out, The Petition of Right, The Petition of Right! as the King of France cried out nothing but France, France! when all the several Dominions of the King of Spain were objected to him. A

11ly. A curious distinction hath been taken by Sergeant Davenport, between stirring To Sedition, and stirring Up Sedition; for the first implies an inclination only to do it, the second implies an act done. But this is too nice, for if a man stir up Sedition, or to Sedition, if it be with intention of the death of the King, the one and the other is Treason. B

12ly. The opinion of Fortescue in 31. H. 6. 10. b. hath been objected, That for an offence done to the Court, a man may be committed before Conviction. To this I answer, 1. That the Book does not say; That he shall be committed without Bail. 2. The offence being done in face of the Court, the very view of the Court is a Conviction in Law. C

13ly. There was objected the 24 of E. 3. 23. Sir Thomas Fitchet's Case, who, for going armed in the Palace, was committed by this Court without Bail or Mainprise; which seems to be the strongest and hardest case that hath been objected. But the answer to it is clear, and undeniably; for the Statute of 2 E. 3. c. 3. is, That if any one come armed before the Justices, he shall forfeit his Armour, and shall be imprisoned during the King's pleasure; so that by the express purview of the Statute, such a man is not bailable. So my conclusion remains firm, notwithstanding any of those objections. That the Prisoner here being committed before conviction of any offence, (it being not possible to understand this offence Treason) is bailable. And that he is bailable here, I will offer two other reasons: 1. The return is here for Sedition; and there is an information in the Star-chamber against the Prisoner, for seditious practises against the King and his Government. I will not affirm, that they are the same offence, but there is some probability that they are the self-same; and if they be the same offence, then the Sedition here intended is not Treason, and so the party is bailable. 2. This Prisoner was ready at this Bar the last Term, and here was a Grand Jury at Bar the last Term, and here was the King's Council present, who are most watchful for the King; and yet an Indictment was not preferred to them against this Prisoner. Which things induce me to be of opinion, that the offence here mentioned in this Return is not Treason, or so great as is pretended on the other side. I will remember one Case which perhaps may be objected, (and yet I think they will not object it) and so conclude. 11 R. 2. Parliament Roll 14. in the Printed Statute, c. 3. and 5. where it appears, that divers questions were propounded by the King to

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A to Tresilian and Bealknap, the two Chief Justices, and to the other Justices: one of which questions was, How they are to be punished, who resisted the King in exercising his Royal power, &c. And the answer of the Judges was, una voce, that they are to be punished as Traitors; and 21 R. 2. c. 21. this opinion was confirmed. But afterwards in 1 H. 4. c. 3. and 4. and 1 H. 4. in the Parliament Roll, numb. 66.67. the Judges were questioned, for their opinion, in Parliament. They answered, That they were threatned and enforced to give this opinion, and that they were in truth of the contrary opinion. And Bealknap said, That he acquainted and protested to the Earl of Kent beforehand, that his opinion was always to the contrary. But the Parliament was not content with these excuses, but they were all adjudged Traitors; and Tresilian's end is known to all, and Bealknap was banished; for his Wife, in 2 H. 4. brought a Writ, without naming her Husband, because he was banish'd. And the said Stat. of 21 R. 2. was repealed. Therefore upon the whole matter I conclude, that the Prisoner ought to be bail'd.

B On the same day Sir Miles Hubbart, and Benjamin Valentine, and Densil Hollis Esquires, were at the Bar, upon an Habeas corpus directed to the several Prisons; and their Counsel was ready at the Bar to have argued the case for them also: But because the same Return was made as above, they said, That all of them would rely upon this Argument made by Mr. Littleton.

C The case of the grand Habeas Corpus for Mr. Selden and others, was now argued by Heath, the Kings Attorney General, That this Return was good, and that the parties ought not to be bailed: And that within the Return there appears good cause of their commitment, and of their detaining also. The case is great in expectation and consequence: and concerns the liberty of the Subject on the one part, whereof the argument is plausible; and on the other part it concerns the safety and sovereignty of the King, which is a thing of great weight. The consideration of both pertains to you the Judges, without slighting the one, or too much elevating the other. The Return, which now is before you, is entire; but I will first consider it as divided in parts. First, the first Warrant, which is that of the Lords of the Privy Council, is general, that it was by the command of the Lord the King: and this in former times was held a very good return, when due respect and reverence was given to Government; but, Tempora mutantur. And this Return is no way weakened by any latter opinion; for notwithstanding that the first commitment of a man may be general: for if upon the Return, the true cause should be reveal'd to the Gaoler, by this means, faults should be published and divulged before their punishment, and so the complices of the fact will escape, and it is not fit that the Gaoler, which is but a ministerial Officer, should be acquainted with the secrets of the cause. But when the cause is returned in Court, more certainty is requisite; for then (as it hath been objected) something ought to be expressed to which the party may answer, and upon which the Court may ground their Judgment. And to this purpose, it hath been much insisted upon the Petition of Right; but the Law is not altered by it, but remains as it was before. And this will appear upon the view of all the parts

Sir Robert  
Heath, the  
King's Attri-  
ney General,  
his Argument  
against Mr.  
Selden.

parts of the Petition. 1. The occasion of the Petition, and the grievance is shewed in these words, Divers of your Subjects have been of late imprisoned, without any cause shewed, &c. But in this Return there is a cause shewed, to which the parties may answer. Then, 2. The prayer of the Petition is, That no freeman, in any such manner as before is mentioned, be imprisoned or detained; that is, such manner of imprisonment, the ground whereof doth not appear. Then the answer of the King to the Petition was in sundry words, 2 Jun. 1628. in these words, The King willeth, that right be done according to the Laws and Customs of the Realm, &c. Which answer gave not satisfaction. And afterwards his answer was in a Parliamentary-phrase, Soit droit fait come est desire. But afterwards on the 26 of June, 1628. the King expressed his intention and meaning in the said Answer. It must needs be conceived, that I have granted no new, but only confirmed the antient Liberties of My Subjects, &c. A Petition in Parliament is not a Law, yet it is for the Honour and dignity of the King, to observe and keep it faithfully; but it is the duty of the People not to stretch it beyond the words and intention of the King. And no other construction can be made of the Petition, then to take it as a Confirmation of the antient liberties and rights of the Subjects. So that now the case remains in the same quality and degree, as it was before the Petition. Therefore we will now consider, how the Law was taken before the Petition, and for the discussing thereof, we will examine the second part of the Return, and in it, two things. 1. If the Return, as it is now made, shall be intended for true. 2. Admit that it is true, if there be any offence contained within it, which is good to detain the Prisoners. For the first, it is clear, that the cause shall be intended true which is return'd, though in truth it be false; and so are 9 H. 6. 44. and F. Corpus cum causa, 2. & C. 11. Baggs case. 2. It seems that there is such a crime contain'd in this Return, which is a good cause for detaining the Prisoners. It is true, that it was confidently urged in Parliament, in 3 Car. that general Returns, that were committed by the command of the Lord the King, are not good; and that those Arguments remain as Monuments on record, in the Upper House of Parliament; but I will not admit them for Law. But I will remember what was the opinion of former times, 22. H. 6. 52. by Newton, a man committed by the command of the King, is not repleviable. And the opinion cannot be intended of a Replevin made by the Sheriff, because the principal case there is upon a Return in this Court. 33 H. 6. 28. Poyning's case, where the Return was, That he was committed by the Lords of the Council, and it was admitted good. It is true, that this opinion is grounded upon West. 1. c. 15. but I will not insist upon it. But the constant opinion hath always been, that a man committed by the command of the King is not bailable. In 9 H. 6. 44. it is said, That if one be taken upon the Kings suit, the Court will not grant a Supersedeas. The contrary opinion is grounded upon Magna Charta, which is a general Law, and literally hath no sense to that purpose; and it is contrary to the usual practise in criminal causes, in which the imprisonment is always lawful untill the trial, although it be made by a Justice of Peace, or Constable. And that a man committed by the command of the King, or Privy Council, is not bailable, he cited

- 1 Jacobi, Sir John Brocket's Case. 8 Jac. Sir Thomas Cesar's Case.  
 12 Jac. James Demetrius's Case. 43 Eliz. William Rinch's Case.  
 And in the Case M. 36 Eliz. and 4 and 5 Eliz. Richard Thimelby's Case.  
 And said, That there are innumerable Presidents to this purpose.  
 M. 21 and 22 Eliz. upon the return of an Habeas Corpus it appears,  
 that Michael Page was committed by the command of the Lord the King, but was not delivered; and after was arraigned in this Court,  
 A and lost his hand. And at the same time, Stubbs was committed by the Command of the Lord the King, for seditious words and rumours, and he lost his hand also upon the same Trial. M. 17. and 18 Eliz. Upon Habeas Corpus for John Loan, it was returned, That he was committed for divulging sundry seditious Writings, and he was remanded.  
 And 7 H 7. roll. 6. Rug's Case; and roll. 13. Chase's Case, where the Return was, That they were committed by the command of the Lord the King, and they were not delivered; and this was also the opinion in this Case, M. 3. Car. and after the said time the Law is not altered, and so, I hope, neither are your opinions. But to consider the particular cause mentioned in the Return, I will not relie upon the first part of the words, although they be of great weight, but only upon the last words, — for stirring up of Sedition against Us — But it hath been objected, that Sedition is not a word known in the Law: But I marvel that the signification of the word is not understood, when it is joyned with the words, — against Us — this  
 C ought to be understood, Sedition against the King, in his politick capacity. [Sedition] hath sundry acceptations, according to the subject handled, as it appears C. 4. Lord Cromwel's Case, which hath been cited. If it be spoken of a man, that he is seditious; if it be of a Company in London, it shall be understood sedition in the Company; if it be spoken of a Souldier, it shall be taken for mutinous. Mr. Littleton, who argued this Case very well, said, That Tacitus useth this word, and it is true; and he says, That there two manners of Seditions, Seditio armata & cogata; and the last is more dangerous than the former. But couple it with the subsequent words here, [against Us] the interpretation and sense thereof is easie, & loquendum ut vulgus. Mr. Littleton sheweth the acceptation of this word in divers places of Scripture, and I will not reject them, for they make for me: 20 Numb. 3. the Latine is — populi versi sunt in seditionem; and it is englisched, — murmuring — but clearly it was High Treason against the Governour, and God himself. 26 Numb. 9. in seditione Corah — it is manifest, that  
 E that was a great Insurrection. 12 Judg. 1. Facta est ergo seditio in Ephraim, The Ephramites rose against Jephtha; and he at the same time was their Judge and Governour, so it was the heighth of Insurrection. It is true, that in 15 Acts 2. facta est seditio; and in some Translations it is, Orta est repugnantia non parva, for it may be taken in several senses. 19 Acts 40. The Town-Clerk there knew not how to answer for this day's sedition, or insurrection; and no doubt he was in great peril, for it was a great insurrection; and I wish the greater ones were as circumspect as he was. 24 Acts 5. Tertullus accused Paul of Sedition, and doubtless it was conceived a great offence, if you consider the time and other circumstances, for they were Heathens and Romans. And although he in very truth taught the Gospel of God, yet he was taken for a pestilent fellow, and as a persuader to shake  
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off Government. Bracton lib. 3. de Corona, c. 2. ranks Sedition amongst the crimes, *læsa Majestatis*. But it hath been objected, that if it be a capital offence, it ought to be Felony or Treason. To this I say, That it cannot be Felony, but it may be Treason, for any thing that appears. It is true, that by the Statute of 25 E. 3. Treasons are declared, and nothing shall be said Treason, which is not comprised within the said Statute, unless it be declared so by Act of Parliament. But upon Indictment of Treason, such Sedition as this may be given in evidence, and perhaps will prove Treason. And the Return is not, that he was seditious, which sheweth only an inclination; but that he stirred up sedition, which may be Treason, if the evidence will bear it. In divers Acts of Parliament, notice is taken of this word [Seditio] and it is always coupled with Insurrection or Rebellion, as appears by the Statute of 5 R. 2. c. 6. 17 R. 2. c. 8. 2 H. 5. c. 9. 8 H. 6. c. 14. 3 & 4 E. 6. c. 5. 2 R. 2. c. 5. 1 and 2 Phil. & Mar. c. 2. 1 Eliz. c. 7. 13 Eliz. c. 2. 23 Eliz. c. 2. 27 Eliz. c. 2. and 35 Eliz. c. 1. all which were cited before, and they prove, that [Sedition] is a word well known in the Law, and of dangerous consequence, and which cannot be expounded in good sense. Wherefore the nature of the offence, I leave it to the Court. But out of these Statutes it appears, that there is a narrow difference between it and Treason, if there be any at all.

zly. As to the Objections which have been made, I will give a short Answer to them.

1. It was objected, That every imprisonment is either for custody, or punishment; the last is always after the Judgment given for the offence; and if it be but for custody, the Party upon tender of sufficient Mainpernors is bailable. I confess, that this difference is true, but not in all respects; for I deny, that a man is always bailable, when imprisonment is imposed upon him for custody: For imprisonment is for two intents; the one is, that the Party which had offended, should not avoid the judgment of Law; the second is, that he shall not do harm in the interim during his Trial; and the Law is careful in this point. But it hath been said, That although the party be bailed, yet he is imprisoned. I deny that, for so is 1 H. 4. 6. If the Party come not at the day, the Bail shall be imprisoned; but yet the Bail shall not suffer the same punishment which ought to have been inflicted upon the Party; as if it were for Treason, the Bail shall not answer for the fault, but only for the body. Serjeant Berkley did well call a seditious man an Incendiary to the Government; and, as commune incendium, is to be restrained of his liberty. And he put 22 E. 4. and 22 ass. 56. that a mad-man may be restrained, to prevent the hurt he would otherwise do himself and others. A seditious man is as a mad-man in the publick state of the Common-wealth, and therefore ought to be restrained. And it appears by the Writ, *de Leproso amovendo*, that a Lepper is to be removed, and, in a manner, imprisoned, for the contagion of the disease; and this is for the safeguard of others, lest his Leprosie infect others. The application is easie, and by the Statute of 1 Jac. c. 33. is restrained to keep within doors; and if he go abroad, any man may justify the killing of him. The infection of Sedition is as dangerous as any of these diseases, therefore it is not safe to let seditious men to bail, or at

at liberty, and in dangerous cases, the wisest way is, to make all safe. In all cases of this nature, much is left to the discretion of the Court. The case of M. 9 E. 3. roll. 39.. Russel hath been objected, to be in the point; I have viewed the Record of that case, and although it be verbally, yet it is not materially to this purpose; for the commitment was by a Justice of North Wales, upon the accusation of an accuser; and it was within a short time after the Statute of 5 E. 3. by which it was ordained, That none should be imprisoned upon the accusation of one accuser: but here the detainment is by the King himself, for stirring up of sedition. And there the Return was, That he was accused of seditions and undecencies, where the latter word doth qualifie the former. And there issued a Writ of good behaviour, (as the use was) to enquire of the truth of the offence; and it was found, that there was no such offence: and then upon the same Return again he was set at liberty; so that the case there was special, and the manner of proceedings special. And I desire that one thing may be observed, that Russel came in here upon the Habeas Corpus, 20 Sept. but was not delivered until Hillary Term following. And for 28 H. 6. the Duke of Suffolk's case which was objected, that the general accusation of divers Treasons was not legal. That is true, because it was in Parliament, and in the nature of an accusation; and being in a Court of Justice, it had been unjust to condemn a man before his Trial; and yet this Court, upon probability of a fault, doth oft-times restrain a man before conviction. But it hath been objected in this case, They have been a long time imprisoned, and no proceedings against them. It is well known, that there have been some proceedings against them, and they declined them; and also more than three moneths is requisite for the preparation of such proceedings, and the King intendeth to proceed against them in convenient time. And some that were offenders in the same kind, are already delivered, to wit, Mr. Coryton, and Sir Peter Hayman. Therefore if any injury be done to the Prisoners, they themselves are the cause of it, for not submitting themselves to the King. And for the instance which Mr. Littleton used of the Judges in 11 R. 2. although they suffered for their opinions given to the King, I desire, that the time when their opinion was delivered, may be considered, to wit, in the time of R. 2. and the time when they suffered, to wit, in the time of H. 4. And it was the saying of a Noble Gentleman, the Lord Egerton, That Bealknap suffered rather by the potency of his enemies, than the greatness of his offence: And yet it is to be confessed, that they might have given better counsel; but there was no time to dispute of the justness of their Counsel, when the sword was in the hands of the Conquerour.

It hath been relied upon the resolution of all the Justices of England in 34 Eliz. which resolution is now registered in the Upper House of Parliament, at the request of the Commons, in Tertio Caroli Regis; but I leave it to you, as that resolution shall sway your Judgments. The said resolution is, That the cause ought to be certified in the generality or speciality; and here the general cause is certified at least, if the special be not so; upon the whole matter, the balsment of these prisoners is left to your discretion; and I have shewed to you the discretion of your predecessors. And if any danger appear to you in their balsment, I am confident that ye will not bail them, if any danger may ensue; but first

ye are to consult with the King, and he will shew you where the danger rests. Therefore upon the whole matter I pray, that they be remanded.

When the Court was ready to have delivered their opinions in the Grand Habeas Corpus for Mr. Selden and others, the Prisoners were not brought to the Bar, according to the Rule of the Court; Therefore Proclamation was made, for the Keepers of the several Prisons, to bring in their Prisoners; but none of them appeared but the Marshal of the King's Bench, who said, that Mr. Stroud that was in his custody, was removed yesterday, and put in the Tower of London by the King's own Warrant, and so it was done with the other Prisoners; each of them was removed out of his Prison, in which he was before. But this notwithstanding, it was prayed by the Counsel of the Prisoners, that the Court would deliver their opinion for the matter in Law. But the Court refused to do that, because it is to no purpose; for, the Prisoners being absent, they could not be bailed, delivered, or remanded.

Note, the last day of the Term, a Letter came to the Court from the King Himself, the effect whereof was, to inform the Court of the reasons wherefore the Prisoners were not suffered to come at the day appointed, for the resolution of the Judges.

### Trin. 5. Car. B. R.

The Case of the Grand Habeas Corpus for Mr. Selden and others, was now moved by Mason to have the resolution of the Judges; and the Court with one voice said, That they are now content that they shall be bailed; but that they ought to find Sureties also for the good behaviour. And Jones Justice said, That so it was done in the Case which had been often remembred to another purpose, to wit, Russel's Case in 9 E. 3. To which Mr. Selden answered, (with whom all the other Prisoners agreed in opinion) That they have the Sureties ready for the Bail, but not for the good behaviour; and desire that the Bail might first be accepted, and that they be not urged to the other.

An Information exhibited in the King's Bench against Sir John Eliot and others.

Sir Robert Heath, the King's Attorney-General, exhibited Information in this Court against Sir John Eliot Knight, Denzil Hollis and Benjamin Valentine Esquires: the effect of which was, That the King that now is, for weighty causes, such a day and year, did summon a Parliament, and to that purpose sent his Writ to the Sheriff of Cornwall to choose Two Knights, by virtue whereof Sir John Eliot was chosen, and returned Knight for Cornwall. And that in the same manner, the other Defendants were elect Burgesses of other places for the same Parliament. And shewed further, That Sir John Finch was chosen for one of the Citizens of Canterbury, and was Speaker of the House of Commons. And that the said Eliot publicly and maliciously in the House of Commons, to raise Sedition between the King, his Nobles, and People, uttered these words, That the Council and Judges had all conspired to trample under foot the Liberties of the Subjects. He further shewed, that the King had power to

A to Call, Adjourn, and Dissolve Parliaments: And that the King, for divers reasons, had a purpose to have the House of Commons Adjourned, and gave direction to Sir John Finch, then the Speaker, to move an Adjournment; and if it should not be obeyed, that he should forthwith come from the House to the King. And that the Defendants, by confederacy aforesaid, spake a long and continued Speech, which was recited verbatim, in which were divers malicious and seditious words, of dangerous consequence. And to the intent that they might not be prevented of uttering their premeditate speeches, their intention was, that the Speaker should not go out of the Chair till they had spoken them; the Defendants Hollis and Valentine, lay violent hands upon the Speaker, to the great affrightment and disturbance of the House. And the Speaker being got out of the Chair, they, by violence, set him in the Chair again; so that there was a great tumult in the House. And after the said Speeches pronounced by Sir John Eliot, Hollis did recapitulate them. And to this information, the Defendants have yet in a Plea to the Jurisdiction of the Court, because these offences are supposed to be done in Parliament, and ought not to be punished in this Court, or in any other, but in Parliament. And the Attorney-General moved the Court, to over-rule the Plea to the Jurisdiction. And that, he said, the Court might do, although he had not demurred upon the Plea. But the Court would not over-rule the Plea, but gave day to joyn in demurrer this Term. And on the first day of the next Term, the Record shall be read, and within a day after shall be argued at Barre. But Hyde, Chief Justice, said to the Counsel of the Defendants, So far light we will give you. This is na new question, but all the Judges of England, and Barons of the Exchequer, before now, have oft been assembled on this occasion, and have, with great patience, heard the arguments on both sides; and it was resolved by them all with one voice, That an offence committed in Parliament, criminally or contemptuously, the Parliament being ended, rests punishable in an other Court. Jones, It is true, that we all resolved, That an offence committed in Parliament against the Crown, is punishable after the Parliament, in another Court; and what Court shall that be, but the Court of the Kings Bench, in which the King by intendment setteth? Whitlock, The question is now reduced to a narrow room, for all the Judges are agreed, That an offence committed in Parliament against the King or his Government, may be punished out of Parliament. So that the sole doubt which now remains, is, Whether this Court can punish it. And Crook agreed, That so it had been resolved by all the Judges, because otherwise there would be a failer of Justice. And by him, If such an offence be punishable in another Court, what Court shall punish it but this Court, which is the highest Court in the Realm for criminal offences? and perhaps not only criminal actions committed in Parliament are punishable here, but words also.

F Mason of Lincolns-Inne argued for Sir John Eliot, one of the Defendants. The Charges in the Information against him are three.

1. For Speeches.
2. For Contempts to the King in resisting the Adjournment.
3. For Conspiracy with the other Defendants, to detain Mr. Speaker in the Chair.

Mr. Mason's Argument to Sir John Eliot.

In the discussion of these matters, he argued much to the same intent which he had argued before, upon an Information brought in the Star-chamber against the same Defendants, and others, for the same offences; therefore his Argument is reported here very briefly.

1. For his Speeches, they contain matter of accusation against some great Peers of the Realm; and as to them, he said, That the King cannot take notice of them. The Parliament is a Council, and the Grand Council of the King, and Councils are secret and close, none other hath access to those Councils of Parliament, and they themselves ought not to impart them without the consent of the whole House. A Jury in a Leet, which is sworn to inquire of offences within the said Jurisdiction, are sworn to keep their own counsel; so the House of Commons enquire of all grievances within the Kingdom, and their Counsels are not to be revealed. And to this purpose was a Petition, 2 H. 4. numb. 10. That the King shall not give credit to any private reports of their proceedings, To which the King assents: therefore the King ought not to give credit to the Information of these offences in this case.
2. The words themselves contain several accusations of great men; and the liberty of accusation hath always been Parliamentary, 50 E. 3. Parliament-Roll, numb. 21. The Lord Latimer was impeached in Parliament for sundry offences, 11 R. 2. the Archbishop of York, 18 H. 6. numb. 18. the Duke of Suffolk, 1 Mar. Dy. 93. the Duke of Norfolk, 36 H. 6. numb. 60. un Vicar General, 2 & 3 E. 6. c. 18. the Lord Seymer, 18 of King James, the Lord of St. Albans, Chancellor of England; and 21 of King James, Cranfield Lord Treasurer; and 1 Car. the Duke of Buckingham.
3. This is a privilege of Parliament which is determinable in Parliament, and not elsewhere, 11 R. 2. numb. 7. the Parliament-roll, Petition exhibited in Parliament, and allowed by the the King, That the Liberties and Privileges of Parliament shall only be discussed there, and not in other Courts, nor by the Common, nor Civil-Law, (see this Case more at large in Selden's Notes upon Fortescue, f. 42.)
- 11 R. 2. Roll of the Process and Judgment. An appeal of Treason was exhibited against the Arch-bishop of Canterbury and others, and there the advice of the Sages of the one Law and the other being required; but because the Appeal concerned Persons which are Peers of the Realm, which are not tried else-where than in Parliament, and not in an inferior Court, 28 H. 6. numb. 18. There being a question in Parliament concerning Precedency, between the Earl of Arundel and the Earl of Devon, the opinion of the Judges being demanded, they answered that this question ought to be determined by the Parliament, and by no other, 13 H. 6. numb. 25. 26. During the Prorogation of the Parliament, Thorp that was the Speaker, was out in Execution at the Suit of the Duke of York; and upon the re-assembly of the Parliament, the Commons made Suit to the King and Lords to have their Speaker delivered. Upon this, the Lords demand the opinion of the Judges; who answer, That they ought not to determine the privileges of the High Court of Parliament.
4. This accusation in Parliament is in Legal course of Justice, and therefore the Accuser shall never be impeached, 13 H. 7. and 11 Eliz. Dy. 285. Forging of false Deeds brought against a Peer of the Realm, Action de scandali Magnatum, dothnot lie. C. 4. 14. Cutler and Dixy's Case, where

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where divers cases are likewise put to this purpose, 35 H. 6. 15. If upon the view of the body the slayer cannot be found, the Coroner ought to inquire, Who first found the dead body ; and if the first finder accuse another of the murder, that is afterward acquitted, he shall not have an Action upon the Case, for it was done in Legal manner. So it is the duty of the Commons to enquire of the grievances of the Subjects, and the causes thereof, and doing it in a Legal manner, 19 H. 6.

A 19. 8. H. 4. 6. in conspiracy it is a good Plea, that he was one of the Indictors, And 20 H. 6. 5. that he was a Grand Jury-man, and informed his Companions. And 21 E. 4. 6. 7. and 35 H. 6. 14. that he was a Justice of Peace, and informed the Jury, 27 ass. p. 12. is to the same purpose. And if a Justice of Peace, the first finder, a Juror, or Indictor, shall not be punished in such cases ; a fortiori, a Member of the House of Commons shall not, who, as 1 H. 7. 4. is a Judge. 27 ass. p. 44. may be objected, where two were Indicted of Conspiracy, because they maintained one another ; but the reason of the said Case was, because Maintenance is matter forbidden by the Law ; but Parliamentary accusation, which is our matter, is not forbidden by any Law.

B C. 9. 56. there was conspiracy, in procuring others to be Indicted. And it is true, for there it was not his duty to prefer such accusation. (2) The accusation was extra-judicial, and out of Court, but it was not so in our case. (3) Words spoken in Parliament, which is a Superior Court, cannot be questioned in this Court, which is inferior. 3. E. 3. 19.

C and Stamford 153. will be objected, where the Bishop of Winchester was arraigned in this Court, because he departed the Parliament without license ; there is but the opinion of Scroop, and the case was entred. P. 3. E. 3. 19. And it is to be observed, that the Plea of the Bishop there, was never over-ruled. From this I gather, that Scroop was not constant to his opinion, which was sudden, being in the same Term in which the Plea was entred ; or if he were, yet the other Judges agree not with him ; and also at last the Bishop was discharged by the Kings Writ. From this I gather, that the opinion of the Court was against the King, as in Pl. 20. in Fogassa's Case, where the opinion of the Court was against the King, the Party was discharged by Privy Seal. 1 and 2 Phil. & Mar. hath been objected, where an information in this Court was preferred against Mr. Ployd, and other Members of the House of Commons, for departing from the House without licence. But in that case I observe these matters, (1) That this Information depended, during all the life of the Queen, and at last was sine die, by the death of the Queen.

D (2) In the said Case, no Plea was made to the Jurisdiction of the Court, as here it is. (3) Some of them submitted themselves to the Fine, because it was easie, for it was but 53 s. 4. d. But this cannot be urged as a President, because it never came in judgment, and no opinion of the Court was delivered therein. And it is no argument, that because at that time they would not plead to the jurisdiction, therefore we now cannot if we would. (4) These offences were not done in the Parliament-House, but else-where by their absence, of which the Countrey may take notice ; but not of our matters being done in Parliament. And absence from Parliament, is an offence against the Kings Summons to Parliament. 20 R. 2. Parliament Roll 12. Thomas Hackley was indicted of High Treason in this Court, for preferring a

a Petition in Parliament ; but i H. 4. numb. 90. he preferred a Petition to have this Judgment voided, and so it was, although that the King had pardoned him before. And i H. 4. numb. 104. all the Commons made Petition to the same purpose, because this tends to the destruction of their Priviledges. And this was likewise granted, 4 H. 8. c. 8. Strood's Case, That all condemnations imposed upon one, for preferring of any Bill, speaking, or reasoning in Parliament, are void. And this hath always been conceived to be a general Act, because the prayers, times, words, and persons are general, and the answer to it is general; for a general Act is always answered with, Le Roy voit, and a particular Act with Soit droit fait al partyes. And 33 H. 6. 17, 18. A  
A general Act is always inrolled, and so this is.

2ly. For the second matter, the contempt to the command of the Adjournment, Jac. 18. it was questioned in Parliament, whether the King can Adjourn the Parliament, (although it be without doubt that the King can Prorogue it.) And the Judges resolve, that the King may adjourn the House by Commission; and 27 Eliz. it was resolved accordingly. But it is to be observed, that none was then impeached for moving that question. (2) It is to be observed, that they resolve, that the Adjournment may be by Commission, but not resolved that it may be by a verbal command, signified by another; and it derogates not from the Kings Prerogative, that he cannot so do, no more then in the Case of 26 H. 8. 8. that he cannot grant one Acre of Land by parol. The King Himself may adjourn the House in Person, or under the Great Seal, but not by verbal Message, for none is bound to give credit to such message; but when it is under the Great Seal, it is Teste Meipso. And if there was no command, then there can be no contempt in the disobedience of that Command. (3) In this, no contempt appears by the Information; for the Information is, that the King had power to adjourn Parliaments. Then put case the Command be, that they should adjourn themselves; this is no pursuance of the power which he is supposed to have. The House may be adjourned two ways, to wit, by the King, or by the House it self; the last is their own voluntary act, which the King cannot compel, for, Voluntas non cogitur.

3ly. For the third matter, which is the Conspiracy: Although this be supposed to be out of the House, yet the Act is Legal; for Members of the House may advise of matters out of the House; for the House it self is not so much for consultations, as for proposition of them. And 20 H. 6. 34. is, that Inquests which are sworn for the King, may enquire of matters elsewhere. (2) For the Conspiracy to lay violent hands upon the Speaker, to keep him in the Chair; The House hath priviledge to detain him in the Chair, and it was but lightly and softly, and other Speakers have been so served. (3) The King cannot prefer an Information for Trespass, for it is said, The King ought to be informed by a Jury, to wit, by Indictment, or Presentment. (4) This cannot be any contempt, because it appears not that the House was adjourned; and if so, then the Speaker ought to remain in the Chair; for without him, the House cannot be adjourned. But it may be objected, that the Information is, That all these matters were done maliciously and seditionously. But to this I answer, That this is always to be understood according to the subject matter, 15 E.4. 4. and 18. H. 8. 5. A Wife that hath title to have Dower, agrees with an other

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other to enter, (which hath) that she against him may recover her Dower. This shall not be said Covin, because both the Parties have right and title. (2) It will be objected, That if these matters shall not be punishable here, they shall be unpunished altogether, because the Parliament is determined. To this I say, That they may be punished in the subsequent Parliament, and so there shall be no failer of right. And many times matters in one Parliament, have been continued to another, as 4 E. 3. Numb. 16. the Lord Barkley's Case, 50 E. 3. Numb. 185. 21 R. 2. c. 16. 6 H. 6. Numb. 45, 46. 8 H. 4. Numb. 12. offences in the Forest ought to be punished in Eyre, and Eyres oftentimes were not held, but every third Year. C. 9. Epistle, and 36. E. 3. c. 10. A Parliament may be every Year. Error in this Court cannot be reversed but in Parliament. And yet it was never objected, that therefore there shall be a failer of Right. 25 E. 3. c. 2. If a new Case of Treason happen, which is doubtful, it shall not be determined till the next Parliament. So in Westm. 2. c. 28. where a new Case happens, in which there is no Writ, stay shall be made till the next Parliament. And yet in these Cases, there is no failer of Right. And so the Judges have always done in all difficult Cases; they have referred the determination of them to the next Parliament, as appears by 2 E. 3. 6, 7. 1 E. 3. 8. 33. H. 6. 18. 5 E. 2. Dower 145. the Case of Dower of a Kent charge. And 1 Jac. the Judges refuse to deliver their Opinions concerning the Union of the two Kingdoms. The present Case is great, rare, and without precedent, therefore not determinable but in Parliament. And it is of dangerous consequence; for (1) by the same reason, all the Members of the House of Commons may be questioned. (2) The Parties shall be disabled to make their defence, and the Clerk of Parliament is not bound to disclose those Particulars. And by this means, the debates of a great Council shall be referred to a petty Jury. And the Parties cannot make justification, for they cannot speak those words here, which were spoken in the Parliament, without slander. And the Defendants have not means to compel any to be Witnesses for them; for the Members of the House ought not to discover the Counsel of the House: So that they are debarr'd of Justification, Evidence, and Witness. Lastly, by this means, none will adventure to accuse any offender, in Parliament, but will rather submit himself to the common danger; for, for his pains he shall be imprisoned, and perhaps greatly fined: And if both these be unjust, yet the Party so vexed can have no recompence. Therefore, &c.

The Court. The Question is not now, whether these matters be offences, and whether true or false. But, admitting them to be offences, the sole Question is, Whether this Court may punish them; so that a great part of your Argument is nothing to the present Question.

Mr. Calthrop's Argument for Mr. Valentine.

F At another day, being the next, Calthrope argued for Mr. Valentine another of the Defendants.

1. In general, he said, for the Nature of the Crimes, that they are of four sorts.
  1. In Matter.
  2. In Words.
  3. By Consent.
  4. By Letters.

## APPENDIX.

Two of them are laid to the charge of this Defendant, to wit, The crime of the Bearer, and of Consent. And of offences Bracton makes some publick, some private. The offences here are publick. And of them, some are capital, some not capital, as assault, conspiracy, and such like, which have not the punishment of life and death. Publick crimes capital are such as are against the Law of Nature, as Treason, Murder; I will agree, that if they be committed in Parliament, they may be questioned elsewhere out of Parliament. But in our case, the crimes are not capital, for they are assault and conspiracy, which in many cases may be justified as appears by 22 H. 7. Keilw. 92. 2. ass. 3 H. 4. 10. 22 E. 4. 43. Therefore this Court shall not have jurisdiction of them, for they are not against the Law of Nations, of God, or Nature; and if these matters shall be examinable here, by consequence all the actions of Parliament-men may be drawn in question in this Court. But it seems by these reasons, that this Court shall not have jurisdiction, as this case is:

1. Because these offences are justifiable, being but the bringing the Speaker to the Chair, which also perhaps was done by the Votes of the Commons; but if these matters shall be justified in this Court, no tryal can be, for upon issue of his own wrong, he cannot be tried, because acts done in the House of Commons are of Record, as it was resolved in the Parliament, 1 Jac. and 16 H. 7. 3. C. 9. 31. are, that such matters cannot be tried by the Country. And now they cannot be tried by Record, because, as 29 H. 8. Dy. 32. is an inferior Court cannot write to a superior. And no Certiorari lies out of the Chancery, to send this here by Mittimus, for there was never any president thereof; and the Book of the House of Commons, which is with their Clerk, ought not to be divulged. And C. Little. is, that if a man be indicted in this Court for Piracy committed upon the Sea, he may very well plead to the jurisdiction of this Court, because this Court cannot try it.

2. It appears by the old Treatise, *de modo tenendi Parliamentum*. that the Judges are but assistants in the Parliament; and if any Words or Acts are made there, they have no power to contradict or controul them. Then it is incongruous, that they, after the Parliament dissolved, shall have power to punish such Words or Acts, which at the time of the speaking or doing, they had not power to contradict. There are Superior, Middle, and more Inferior Magistrates; and the Superior shall not be subject to the controul of the Inferior. It is a position, that *in pares est nullum impetum, multo minus in eos, qui magis imperium habent.* C. Littl. says, That the Parliament is the Supreme Tribunal of the Kingdom, and they are Judges of the Supreme Tribunal; therefore they ought not to be questioned by their Inferiors. (3) The offences objected do concern the Privileges of Parliament, which privileges are determinable in Parliament; and not elsewhere, as appears by the Presidents which have been cited before.

(4) The Common Law hath assigned proper Courts for matters, in respect of the place and persons; 1. For the place, it appears by 11 E. 4. 3. and old Entries, 101. that in an Ejectione firmæ, it is a good plea, that the Land is ancient demesne, and this excludes all other Courts. So it is for Land in Durham, old Entries, 419. for it is questionable there, and not out of the County. 2. For persons, H. 15. H. 7. rol. 93. old Entries, 47. If a Clerk of the Chancery be impleaded in this Court, he may plead his privilege, and shall not answer. So it is of a Clerk

of the Exchequer, old Entries, 473. then much more when offences are done in Parliament, which is exempt in ordinary Jurisdiction, they shall not be drawn into Question in this Court. And if a Man be Indicted in this Court, he may plead Sanctuary, 22 H. 7. Keilw. 91. and 22. and shall be restored, 21 E. 3. 60. The Abbot of Bury's Case is to the same purpose. (5) For anything that appears, the House of Commons had approved of these Matters, therefore they ought not to be questioned in this Court. And if they be offences, and the said

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House hath not punished them, this will be a casting of imputation upon them. (6) It appears by the old Entries, 446, 447. that such an one ought to represent the Borough of St. Jermans, from whence he was sent, therefore he is in nature of an Ambassador, and he shall not be questioned for anything in the execution of his Office, if he do nothing against the Law of Nature or Nations, as it is the case of an Ambassador. In the time of Queen Elizabeth, the Bishop of Ross in

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Scotland, being Ambassador here, attempted divers matters against the State; and by the opinion of all the Civilians of the said time, he may be questioned for those offences, because they are against the Law of Nations and Nature; and, in such matters, he shall not enjoy the privileges of an Ambassador. But if he commit a civil offence, which is against the Municipal Law only, he cannot be questioned for it, as Bodin. de Republica, agrees the case. Upon the Statute of 28 H. 8. c. 15. for Trial of Pirats, 13 Jac. the case fell

Camden's  
Brit. 449.

C out to be thus. A Jew came Ambassador to the United Provinces, and in his journey he took some Spanish Ships, and after was driven upon this coast; And agreed upon the said Statute, that he cannot be tried as a Pirat here by Commission, but he may be questioned civiliter in the Admiralty: for, Legati suo Regi soli judicium faciunt. So Ambassadors of Parliament, soli Parlamento, to wit, in such things, which of themselves are justifiable. (7) There was never

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D any president, that this Court had punished offences of this Nature, committed in Parliament, where any plea was put in, as here it is to the jurisdiction of the Court; and where there is no president, non-usage is a good Expositor of the Law. Lord Littl. Section 180. Co. Littl. f. 81. says, As Usage is a good interpreter of the Laws, so Non-usage, where there is no example, is a great intendment, that the Law will not bear it. 6 Eliz. Dy. 229. upon the Statute of 27 H. 8. of Inrolments, That bargain and sale of a House in London ought not to be enrolled; the reason there given is, Because it is not used. 23 Eliz. Dy. 376.

E No error lies here of a Judgement given in the Five Ports, because such writ was never seen; yet in the diversity of Courts it is said, That Error lies of a Judgement given in the Five Ports, 39 H. 6. 39. by Alton, that a Protection to go to Rome never was seen, therefore he disallowed it. (8) If this

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F Court shall have Jurisdiction, the Court may give judgment according to Law, and yet contrary to Parliament Law, for the Parliament in divers cases hath a peculiar Law. Notwithstanding the Statute of 1 H. 5. c. 1. that every Burgess ought to be Resident within the Burrough of which he is Burgess, yet the constant usage of Parliament is contrary thereto; and if such matter shall be in question before ye, ye ought to adjudge according to the Statute, and not according to their usage. So the House of Lords hath a special Law also, as appears by 11 R. 2. the Roll of the Proces and

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Judgment, (which hath been cited before to another purpose, where an appeal was not according to the one Law or th' other, yet it was good according to the course of Parliament. (9) Because this matter is brought in this Court by way of Information, where it ought to be by way of Indictment. And it appears by 41 Ass. p. 12. that if a Bill of Deceit be brought in this Court, where it ought to be by Writ, this matter may be pleaded to the Jurisdiction of the Court, because it is vi & armis, and contra pacem. It appears by all our Books, that informations ought not to be grounded upon furnaces, but upon matter of Record, 4 H. 7. s. 6 E. 6. Dy. 74. Information in the Exchequer, and 11 H. 8. Keilw. 101 are to this purpose. And if the matter be vi & armis, then it ought to be found by Enquest, 2 E. 3. 1, 2. Appeal shall not be granted upon the Return of the Sheriff, but the King ought to be certified of it by Indictment, 1 H. 7. 6. and Stamf. f. 95. a. upon the Statute of 25 E. 3. c. 4. that none shall be imprisoned but upon Indictment or Presentment; and 28 E. 3. c. 3. 42 E. 3. c. 3. are to the same purpose. So here, this Information ought to have been grounded upon Indictment, or other matter of Record, and not upon bare intelligence given to the King. (10) The present case is great and difficult, and in such cases, the Judges have always outed themselves of Jurisdiction, as appears by Bracton, Book 2. f. 1. Si aliquid novi non usitatum in Regno acciderit, 2 E. 3. 6, 7. and Dowler 242.

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1. Objection.

Now I will remove some Objections which may be made. Where the King is Plaintiff, it is in his Election to bring his Action in what Court he pleases. This is true in some sense, to wit, That the King is not restrained by the Statute of Magna Charta, Quod communia placita non sequantur Curiam nostram; for he may bring his Quare impedit in B. R. And if it concerns Durham, or other County Palatine, yet the King may have his Action here; for the said Courts are created by Patent, and the King may not be restrained by Parliament, or by his own Patent, to bring his Action where he pleaseth. But the King shall not have his Action where he pleaseth against a prohibition of the Common Law, as 12 H. 7. Keilv. 6. the King shall not have a formedon in Chancery. And C. 6. 20. Gregory's Case, If the King will bring an Information in an inferior Court, the party may plead to the Jurisdiction. So where the Common Law makes a prohibition, the King hath not Election of his Court.

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2. Object.

The Information is contra formam Statuti, which Statute, as I conceive, is intended the Statute of 5 H. 4. c. 6. and 11 H. 6. c. 11. which gives power to this Court to punish an assault, made upon the servant of a Knight of Parliament. But our Case is not within those Statutes, nor the intent of them; for it is not intendible, that the Parliament should disadvantage themselves, in point of their Priviledge. And this was a Trespass done within the House, by Parliament-men, amongst themselves. And Crompton's Jurisdiction of Courts, f. 8. saith, That the Parliament may punish Trespasses done there.

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3. Object.

Presidents have been cited of Parliament-men, imprisoned and punished for matters done in Parliament. To this I say, That there is Via juris, and Via facti; and Via facti is not always Via juris. C. 4. 93. Presidents are no good directions, unless they be judicial.

Other

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4. Object.

A Otherwise there will be a failure of Justice, wrongs shall be unpunished. To this I answer, That a mischief is oft-times rather sufferable than an inconvenience, to draw in question the Privileges of Parliament. By the ancient Common Law, as it appears by 21 E. 3. 23. and 21 ass. if an Infant bring an Appeal, the Suit shall be stayed during his Infancy; because the Party cannot have his Trial by Battail against the Infant; but the Law is now held otherwise in the said Case. And in some Cases, criminal offences shall be dispunished, 29 H. 8. Dy. 40. Appeal of Murder lies not for Murder done in several Counties.

5. Object.

B This Court of B.R. is coram ipso Rege, the King himself, by intentment, is here in Person. And, as it is said, C. 9. 118. it is Supremum Regni Tribunal, of ordinary Jurisdiction. But to this I say, That the Parliament is a transcendent Court, and of transcendent Jurisdiction, it appears by 28 ass. p. 52. that the style of other Courts is coram Rege, as well as this is, as coram Rege in Cancellaria, coram Rege in Camera; and though it be coram Rege, yet the Judges give the Judgment. And in the time of H. 3. in this Court, some Entries were coram Rege; others, Coram Hugone de Bigod.

6. Object.

C The Privileges of Parliament are not questioned, but the conspiracies and misdemeanors of some of them. But to this I say, that the distinction is difficult and narrow in this case, where the offences objected are justifiable: and if they be offences, this reflects upon the House, which hath not punished them.

7. Object.

D The cases of 3 E 3. 19. and 1 and 2 Phil. & Mar. have been objected. But for the last it is observable, That no plea was pleaded to the Jurisdiction, as it is in our case. And if a Parliament-man or other, which hath privilege, be impleaded in foreign Court, and neglect his plea to the Jurisdiction, the Court may well proceed, 9 H. 7. 14. 36 H. 6. 34. H. 13 Jac. In this Court the Lord Norreys, that was a Peer of Parliament, was indicted in this Court for the Murder of one Bigod, and pleaded his pardon. And there it was doubted, how the Court shoulde proceed against him, (for he, by the Law, ought to have his Trial by his Peers.) And it was resolved, that when he pleads his pardon, or confesseth his fault, thereby he gives Jurisdiction to the Court, and the Court may give Judgment against him. So that these Cases, where it was not pleaded to the Jurisdiction, can be no precedent in our case.

8. Object.

E The Privilege here is not claimed by Prescription or Charter, therefore it is not good. But I say, that notwithstanding this, it is good; for where the Common Law ousts a Court of Jurisdiction, there needs no Charter or Prescription, 10 H. 6. 13. 8 H. 8. Keilw. 189. Br. n. c. 515. Where Sanctuary of a Church is pleaded, there's no need to make Prescription, because every Church is a Sanctuary by the Common Law. Therefore, &c.

Sir Robert  
Heath's Argu-  
ment against  
Sir John Eliot.

F Heath, the Kings Attorney, the same day argued on the other side, but briefly. First, he answered the Objections which had been made.

First, he said, That Informations might well be for matters of this nature, which are not capital; and that there are many presidents of such informations. (But note, that he produced none of them.)

2ly. It hath been objected, That they are a Council, therefore they ought to speak freely. But such speeches which are here pronounced, prove

prove them not Counsellors of State, but Bedlams; the addition of one word would have made it Treason, to wit, Prodition. But it is the pleasure of the King to proceed in this manner, as now it is. And there is great difference between Bills and Libels, and between their proceedings, as Council and as mutinous.

3. 3ly. That it would be of dangerous consequence; for by this means, none would adventure to complain of grievances. I answer, They may make their complaints in Parliamentary manner, but they may not move things, which tend to distraction of the King and his Government.

4. 4ly. These matters may be punished in following Parliaments. But this is impossible, for following Parliaments cannot know with what mind these matters were done. Also the House of Commons is not a Court of Justice of it self. The two Houses are but one Body, and they cannot proceed criminally to punish crimes, but only upon their Members by way of imprisonment; and also they are not a Court of Record. And they have forbid their Clerk to make Entry of their Speeches, but only of matters of course; for many times they speak upon the sudden, as occasion is offered. And there is no necessity, that the King should expect a new Parliament. The Lords may grant Commissions to determine matters, after the Parliament ended; but the House of Commons cannot do so. And also a new House of Commons consists of new Men, which have no conuance of these offences. 1 H. 4. The Bishop of Carlisle, for words spoken in the Parliament, that the King had not Right to the Crown, was arraigned in this Court of High Treason; and then he did not plead his privilege of Parliament, but said, That he was Episcopus unctus, &c.

5. 5ly. 4 H. 8. Strode's Case hath been objected. But this is but a particular act, although it be in Print; for Rastal entitles it by the name of Strode; so the Title, Body, and Proviso of the Act are particular.

6. 6. That this is an inferior Court to the Parliament, therefore, &c. To this I say, That, even sitting the Parliament, this Court of B.R. and other Courts, may judge of their privileges, as of a Parliament-man put in execution, &c. and other cases. It is true, that the Judges have oft-times declined to give their Judgment upon the Privileges of Parliament, sitting the Court. But from this it follows not, that when the offence is committed there, and not punished, and the said Court dissolved, that therefore the said matter shall not be questioned in this Court.

7. 7ly. By this means the Privileges of Parliament shall be in great danger, if this Court may judge of them. But I answer, That there is no danger at all; for this Court may judge of Acts of Parliament.

8. 8ly. Perhaps these matters were done by the Votes of the House; or, if they be offences, it is an imputation to the House to say, That they had neglected to punish them; but this matter doth not appear. And if the truth were so, these matters might be given in evidence.

9. 9ly. There is no president in this case, which is a great presumption of Law. But to this I answer, That there was never any president of such a fact, therefore there cannot be a president of such a Judgment. And yet in the time of Queen Elizabeth, it was resolved by Brown, and many other Justices, that offences done in Parliament may be punished out of Parliament, by imprisonment or otherwise. And the Case

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Case of 3 E. 3. 19. is taken for good Law by Stamf. and Fitzh. And 22 E. 3. and 1 Mar. accord directly with it. But it hath been objected, that there was no plea made to the Jurisdiction. But it is to be observed, that Ploydent that was a Learned Man, was one of the Defendants, and he pleaded not to the Jurisdiction, but pleaded License to depart. And the said Information depended during all the Reign of Queen Mary, during which time there were four Parliaments, and they never questioned this matter.

A But it hath been further objected, That the said Case differs from our Case, because that there the offence was done out of the House, and this was done within the House. But in the said Case, if License to depart be pleaded, it ought to be tryed in Parliament, as well as these offences here. Therefore, &c.

B And the same day the Judges spake briefly to the Case, and agreed with one voice, that the Court as this case is, shall have Jurisdiction, although that these offences were committed in Parliament.

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After-

*Afterwards the Parliament which met the Third of*

*November, 1640. upon Report made by Master Recorder Glyn, of the state of the several and respective Cases of Mr. Hollis, Mr. Selden, and the rest of the Imprisoned Members of the Parliament in Tertio Caroli, touching their extraordinary Sufferings, for their constant affections to the Liberties of the Kingdom, expressed in that Parliament; and upon Arguments made in the House thereupon, did upon the Sixth of July, 1641. pass these ensuing Votes; which, in respect of the reference they have in these last mentioned proceedings, we have thought fit, though out of order of time, to insert, viz.*

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*July 6. 1641.*

1. **R**esolved upon the Question, That the issuing out of the Warrants from the Lords and others of the Privy Council, compelling Mr. *Hollis*, and the rest of the Members of that Parliament, 3 Car. during the Parliament, to appear before them, is a breach of the Priviledge of Parliament by those Privy Counsellors.
2. Resolved, &c. That the committing of Mr. *Hollis*, and the rest of the Lords, and others of the Privy Council, during the Parliament, is a breach of the Priviledge of Parliament by those Lords, and others.
3. Resolved, &c. That the searching and sealing of the Chamber, Study, and Papers of Mr. *Hollis*, Mr. *Selden*, and Sir *John Eliot*, being Members of this House, and during the Parliament, and issuing of Warrants to that purpose, was a breach of the Priviledge of Parliament, and by those that executed the same.
4. Resolved, &c. That the exhibiting of an Information in the Court of Star-chamber, against Mr. *Hollis* and the rest, for matters done by them in Parliament, being Members of Parliament, and the same so appearing in the Information, is a breach of the Priviledge of Parliament.
5. Resolved, &c. That Sir *Robert Heath*, and Sir *Humphrey Davenport*, Sir *Hennage Finch*, Mr. *Hudson*, and Sir *Robert Berkly*, that subscribed their names to the Information, are guilty thereby of the breach of Priviledge of Parliament.
6. Resolved, &c. That there was delay of Justice towards Mr. *Hollis*, and the rest that appeared upon the *Habeas Corpus*, in that they were not bailed in *Easter and Trinity Term*, 5 Car.
7. Resolved, &c. That Sir *Nicholas Hide*, then Chief Justice of the *Kings Bench*, is guilty of this delay.
8. Resolved, &c. That Sir *William Jones*, being then one of the Justices of the Court of *Kings Bench*, is guilty of this delay.
9. Resolved, &c. That Sir *James Whitlock Knight*, then one of the Justices of the Court of *Kings Bench*, is not guilty of this delay.
10. Ordered, That the further debate of this shall be taken into consideration on to morrow morning.

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*July 8. 1641.*

11. **R**esolved upon the Question, That Sir *George Crook Knight*, then one of the Judges of the *Kings Bench*, is not guilty of this delay.
- That the continuance of Mr. *Hollis*, and the rest of the Members of Parliament, 3 Car. in Prison, by the then Judges of the *Kings Bench*, for

for not putting in Sureties of the Good-behaviour, was without just or legal cause.

That the exhibiting of the Information against Mr. Hollis, Sir John Eliot, and Mr. Valentine, in the *Kings Bench*, being Members of Parliament, for matters done in Parliament, was a breach of the Priviledge of Parliament.

A That the over-ruling of the Plea, pleaded by Mr. Hollis, Sir John Eliot, and Mr. Valentine, upon the Information to the Jurisdiction of the Court, was against the Law, and Priviledge of Parliament.

That the Judgment given upon a *Nihil Dicit*, against Mr. Hollis, Sir John Eliot, and Mr. Valentine, and Fine thereupon imposed, and their several imprisonments thereupon, was against the Law and Priviledge of Parliament.

That the several proceedings against Mr. Hollis, and the rest, by committing them, and prosecuting them in the *Star-Chamber*, and in the *Kings Bench*, is a grievance.

B That Mr. Hollis, Mr. Stroud, Mr. Valentine, and Mr. Long, and the Heirs and Executors of Sir John Eliot, Sir Miles Hubbard, and Sir Peter Heyman, respectively ought to have reparation for their respective damages and sufferings, against the Lords and others of the Council, by whose Warrants they were apprehended and committed, and against the Council that put their hands to the Information in the *Star-Chamber*, and against the Judges of the *Kings Bench*.

C That Mr. Laurence Whitaker, being a Member of the Parliament, 3 Car. entring into the Chamber of Sir John Eliot, being likewise a Member of the Parliament, searching of his Trunks and Papers, and sealing of them, is guilty of the breach of the Priviledge of Parliament, this being done before the dissolution of Parliament.

Resolved upon the Question, That Mr. Laurence Whitaker being guilty of the breach of the Priviledges as aforesaid, shall be sent forthwith to the Tower, there to remain a Prisoner during the pleasure of the House.

D Mr. Whitaker was called down, and kneeling at the Bar, Mr. Speaker pronounced this Sentence against him accordingly.

Mr. Whitaker being at the Bar, did not deny, but that he did search and seal up the Chamber, and Trunk, and Study of Sir John Eliot, between the Second and Tenth of March, during which time the Parliament was adjourned : But endeavoured to extenuate it, by the confusion of the times, at that time ; the length of the time since that crime was committed, being Thirteen years ; the command that lay upon him, being commanded by the King and Twenty three Privy Counsellors.

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Afterwards Mr. Recorder Glin made a farther Report to the House of Commons, viz.

F **H**E likewise reported the state of the Case, concerning the Losses of Damages, Sufferings and Imprisonments, sustained and undergone by Mr. Vassell, for denying to pay Tunnage and Poundage, ( not granted by Act of Parliament ) in obedience to a Declaration and Vote of this House. The Warrant, which issued and was subscribed by Twelve Privy Counsellors, to summon Nine of the Members of the House of Commons, in the Parliament of *Tertio Careli*, to appear before them during the Parliament, viz. Mr. William Stroud, Mr. Benjamin Valentine, Mr. Hollis, Sir John Eliot, Mr. Selden, Sir Miles Hubbard, Sir Peter Heyman, Mr. Walter Long, and Mr. William Coriton, bearing date *Tertio Martii, Quarto Caroli* ; and the names of the Twelve Privy

## APPENDIX.

Counsellors that signed this Warrant were read. The Parliament being adjourned the second of March, to the tenth of March, and then dissolved.

The Warrants under the hands of Sixteen Privy Counsellors, for committing of Mr. Denzil Hollis, Sir John Eliot, Mr. John Selden, Mr. Benjamin Valentine, and Mr. William Coriton, close Prisoners to the Tower, bearing date, Quarto Martii, Quarto Caroli; during the Parliament, were read. And the names of the Privy Counsellors that subscribed them, were read. The Warrants under the hands of Twenty two Privy Counsellors, directed to William Boswel Esq; to repair to the Lodgings of Denzil Hollis Esq; and to Simon Digby Esq; to repair to the Lodgings of Mr. John Selden, and to Laurence Whitaker Esq; to repair to the Lodgings of Sir John Eliot, requiring them to seal up the Trunks, Studies and Cabinets, or any other thing that had any Papers in them, of the said Mr. Hollis, Mr. John Selden, and Sir John Eliot, were read, and likewise the names of the Privy Counsellors that subscribed the said Warrants. A Warrant under the hands of Thirteen Privy Counsellors, for the commitment of Mr. William Stroud close Prisoner to the Kings Bench, bearing date 2 April, 1628. was read, and the names of the Privy Counsellors that subscribed it: The like Warrant was for the commitment of Mr. Walter Long close Prisoner to the Marshalsea.

The humble Memorial of the Losses, Damages, Sufferings, and Imprisonment sustained and undergone by Alderman Richard Chambers, for denying to pay Tunnage and Poundage, (not granted by act of Parliament) in obedience to a Declaration, and Vote of this House, was this day read.

*Ordered,* That it be referred to the Committee for the Members of *Tertio Caroli*, where Mr. Recorder hath the Chair; and the Committee of the Navy joyned as to this busines, to consider of the Memorial of the Losses, Damages, Sufferings and Imprisonments, sustained and undergone by Alderman Richard Chambers for his denying to betray the Liberty of the Subject, in paying the Illegal Tax of Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Order of this House. And the Committee are to make Report on Monday fortnight.

*Resolved, &c.* That Mr. Hollis shall have the sum of Five thousand pounds, for his Damages, Losses, Imprisonments and Sufferings, sustained and undergone by him, for his service done to the Common-wealth in the Parliament of *Tertio Caroli*.

*Resolved, &c.* That Mr. John Selden shall have the sum of Five thousand pounds, for his Damages, Losses, Imprisonments and Sufferings, sustained and undergone by him, for his service done to the Common-wealth in the Parliament of *Tertio Caroli*.

*Resolved, &c.* That the sum of Five thousand pounds be assigned for the Damages, Losses, Imprisonments and Sufferings sustained and undergone by Sir John Eliot, for his service done to the Common-wealth in the Parliament of *Tertio Caroli*, to be disposed of in such manner as this House shall appoint.

*Resolved, &c.* That the sum of Two thousand pounds, part of Four thousand pounds, paid into the late Court of *Wards and Liveries*, by the Heirs of Sir John Eliot, by reason of his Marriage with Sir Daniel Norton's Daughter, shall be repaid to Mr. Eliot, out of the Arrears of Moneys, payable into the late Court of *Wards and Liveries*, before the taking away of the said late Court.

*Ordered,* That it be referred to the Committee who brought in this Report, to examine the Decree made in the late Court of *Wards and Liveries*, concerning the Marriage of Sir John Eliot's Heir with Sir Daniel Norton's Daughter; and what Moneys was paid by reason of the said Decree, and by whom; and to report their opinion thereupon to the House.

*Ordered,*

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*Ordered,* That it be referred to the Committee of the Tower to examine after what manner Sir John Eliot came to his death, his usage in the Tower, and to view the Rooms and Places where he was imprisoned, and where he died, and to report the same to the House.

*Resolved, &c.* That the sum of Five thousand pounds shall be paid unto the of Sir Peter Heyman, for the Damages, Losses, Sufferings, and Imprisonments, sustained and undergone by Sir Peter Heyman, for his service done to the Common-wealth in the Parliament in *Tertio Caroli*.

*Resolved, &c.* That Mr. Walter Long shall have the sum of Five thousand pounds paid unto him, for the Damages, Losses, Sufferings, and Imprisonment, sustained and undergone by him, for his service done to the Common-wealth, in the Parliament of *Tertio Caroli*.

*Resolved, &c.* That the sum of Five thousand pounds shall be assigned for the Damages, Losses, Sufferings, and Imprisonment, sustained and undergone by Mr. Stroud ( late a Member of this House ) deceased, for service done by him to the Common-wealth in the Parliament of *Tertio Caroli*.

*Resolved, &c.* That Mr. Benjamin Valentine shall have the sum of Five thousand pounds paid unto him, for the Damages, Losses, Sufferings, and Imprisonments sustained and undergone by him for his service done to the Common-wealth in the Parliament of *Tertio Caroli*.

*Resolved, &c.* That the sum of Five hundred pounds shall be bestowed and disposed of, for the erecting a Monument to Sir Miles Hobert, a Member of the Parliament of *Tertio Caroli*, in memory of his sufferings for his service to the Common-wealth in the Parliament of *Tertio Caroli*.

*Resolved, &c.* That Mr. Samuel Vassel shall have the sum of Ten thousand four hundred forty five pounds twelve shillings two pence paid him for his Losses and Damages sustained, for denying to pay Tunnage and Poundage; ( not granted by Act of Parliament ) in pursuance and Obedience to a Declaration and Vote of this House.

*Resolved, &c.* That this House doth declare, that they will in due time take Mr. Vassel into further consideration for his Imprisonment and Personal Sufferings.

*Ordered,* That it be recommitted to the Committee, who brought in this Report, to consider, how the several sums of Money this day ordered to be paid for Damages to the several Members, and others before named, for their Sufferings in the service of the Common-wealth, may be raised.

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FINIS.









